

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

123

CRM-M-45348-2023

Date of Decision : November 30, 2023

DALJIT SINGH

-Petitioner

V/S

STATE OF PUNJAB

-Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. B.S. Seemar, Advocate
for the petitioner.

Mr. Karunesh Kaushal, A.A.G, Punjab.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition, as instituted under Section 482 of the Cr.P.C., a prayer is made for quashing of the FIR No.89 dated 11.10.2013, under Sections 323, 324, 326, 452, 148, 149 of the IPC, registered at P.S. Sudhar, District Ludhiana and all consequential proceedings arising therefrom.

2. At the very outset, the learned State counsel, on instructions imparted to him by A.S.I. Kamaljit Singh, submits that earlier a cancellation report was filed by the investigating agency before the learned Magistrate concerned, however, the same was not accepted, rather the latter, vide order dated 19.05.2016, directed the investigating agency to conduct further investigation. Accordingly, after conducting further investigation, the investigating agency again filed a cancellation report before the learned Magistrate concerned, however, this time again, vide order dated 05.09.2023, the latter did not accept the cancellation report,

rather returned it for further investigation. The reason behind non-acceptance of the second cancellation report, as emanates from the order dated 05.09.2023, is the dis-agreement expressed by the legal heir of the complainant, whose demise occurred on 25.08.2021.

3. The hereinabove revealed facts unveils the actual grievance of the petitioner herein, inasmuch as, the drawing of the order dated 05.09.2023, wherein, the legal heir of the complainant expressed her disagreement with the cancellation report, which consequently led to its non-acceptance. However, the instant petition does not assail the order dated 05.09.2023.

4. Faced with the above situation, the learned counsel for the petitioner, after arguing for some time, seeks leave of this Court to withdraw the instant petition, however, with liberty to challenge the order dated 05.09.2023, through making an appropriate motion before the appropriate authority/forum/court concerned, canvassing therein all the pleas and claims, as raised herein.

5. Leave granted.

6. Consequently, the instant petition is dismissed as withdrawn, however, with liberty (supra).

November 30, 2023
devinder

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No