

248 **IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM-M-43153-2019
Date of Decision: 09.01.2023**

Raksha Devi and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Vikram Amarnath Garg, Advocate for
 Dr. Surya Parkash, Advocate
 for the petitioners.

 Mr. Harjinder Singh, AAG, Punjab
 for respondent No.1/State.

HARSH BUNGER J. (ORAL)

The present petition under Section 482 Cr.P.C. is filed on behalf of the petitioners for quashing of FIR No.259 dated 16.08.2018 (Annexure P-1), under Sections 120-B, 148, 149, 427, 447, 452 and 506 IPC, registered at Police Station City Rajpura, District Patiala and all the subsequent proceedings arising therefrom, stating *inter alia* that the same are sheer misuse of the process of law as the instant FIR is registered at the behest of respondent No.2/complainant with an intention to grab the properties of petitioner No.1.

Notice of motion was issued in this case, whereupon respondent No.1/State filed reply by way of affidavit dated 03.02.2020 of Mr. Akashdeep Singh Aulakh, P.P.S., Deputy Superintendent of Police, Circle Rajpura, District Patiala. Relevant extract of the said reply is reproduced as under:-

“ - x - x -

4. That during the investigation of the case, an application was filed before the S.S.P., Patiala by the petitioner regarding her innocence in the above noted case. The enquiry of the application was conducted by the Superintendent of Police (Investigation), Patiala and the petitioner was innocent by the enquiry officer and Will in favour of the complainant was found to be forged, therefore, the enquiry officer recommended to file the cancellation report in the above noted case. According SHO, P.S. City Rajpura, District Patiala forwarded cancellation report vide No.1582/5A/PS City Rajpura dated 15-05-2019.

- x - x - ”

Learned counsel for the petitioner submits that since the cancellation report already stands submitted in this case, accordingly the present petition is rendered infructuous.

On the other hand, Mr. Sumeet Pal Singh Sidhu, Advocate appears and files Vakalatnama on behalf of respondent No.2 in Court today, which is taken on record, subject to all just exceptions. He submits that in view of the aforesaid fact, respondent No.2 will take recourse of remedies available to him under the law.

In view of the above, the present petition is disposed of as having been rendered infructuous, however respondent No.2 shall be at liberty to avail his remedies in accordance with law.

09.01.2023

Apurva

(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No