

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

CRM-M-62206-2023

Date of decision : 11.12.2023

MANJIT SINGH AND ANOTHER

....PETITIONERS

VERSUS

STATE OF PUNJAB AND ANOTHER

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Paman Kumar, Advocate for
Mr. R.K. Kapila, Advocate
for the petitioners.

KULDEEP TIWARI.J. (ORAL)

1. The instant petition is filed under Section 482 of the Cr.P.C, for quashing of FIR No.33 dated 23.03.2008, under Sections 323, 326, 325, 506 and 120-B of IPC, registered at Police Station Dasuya, District Hoshiarpur.

2. Learned counsel for the petitioners submit that despite the pendency of the instant FIR since 2008, no final decision whatsoever has been taken by the prosecution agency. He further submits that earlier two times untraced reports were filed before the learned Illaqa/Magistrate. At the second time, when the untraced report was filed, it was not accepted on account of non-presence of the complainant. He further submits that in fact the complainant was declared proclaimed offender in another case and has settled abroad, therefore, his presence cannot secured in any manner, until he comes back to India.

3. Citing the above facts, he submits that the sword of pendency of the present FIR is hanging on their head for no fault on their parts.

4. He further submits that in case the direction is issued upon respondent No.1 to take a final decision upon untraced which is pending before them and

further direction be issued to file the same before the learned Illaqa/Magistrate concerned.

5. Notice of motion.

6. Mr. Karunesh Kaushal, AAG, Punjab, accepts notice on behalf of State and there is no need to issue notice of motion at the stage to respondent No.2

7. Considering the innocuous and *bona fide* prayer made by learned counsel for the petitioner, the instant petition is disposed of with direction upon the respondent concerned to file final report before the learned Illaqa Magistrate within one month from today. In case, the final report is filed with the learned Illaqa Magistrate, the latter shall take final decision within three months thereafter.

8. Disposed of accordingly.

(KULDEEP TIWARI)
JUDGE

11.12.2023
monika

Whether speaking/reasoned ? Yes/No
Whether Reportable ? Yes/No