

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

117

**CRM-M-62666-2023
Date of decision: 13.12.2023**

NARVEEN

....Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. G.S. Madan, Advocate for
Mr. Arun Takhi, Advocate
for the petitioner.

KULDEEP TIWARI. J.(Oral)

Through the instant petition, prayer is made for issuance of direction to respondent No.5 to file the cancellation report before the learned Illaqa Magistrate, Ludhiana in case FIR No.00086 dated 25.04.2021, under Section 380 IPC, registered at Police Station Jodhewal, District Police Commissionerate, Ludhiana.

Learned counsel for the petitioner submits that the investigation in the FIR (supra) has already been concluded and the Investigating Officer has prepared the cancellation report, as the allegation was found to be false.

On the other hand, learned State counsel, on instruction from ASI Harcharan Singh, admits that the cancellation report dated 14.05.2022, has been filed, though, the same could not be filed before the learned Illaqa Magistrate concerned, because the complainant has gone to Canada and her presence cannot be secured.

Be that as it may, the presence of the complainant, at the time of

filing the cancellation report is not required. This is for the learned trial Court concerned to proceed further with the cancellation report and in case complainant presence is required, the learned trial Court concerned may take appropriate remedial action. Therefore, the Investigating Agency is directed to file the cancellation report with the learned Illaqa Magistrate concerned. Upon filing of such cancellation report, the latter shall take appropriate decision thereupon.

Disposed of accordingly.

13.12.2023
amandeep

(KULDEEP TIWARI)
JUDGE

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