

2024:PHHC:119664



IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

250

CWP-7496-2023 (O&M).
Date of Decision: 11.09.2024.

BALWAN SINGH

.. Petitioner

Versus

STATE OF HARYANA AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Mukesh Rao, Advocate,
for the petitioner.

Mr. Manish Dadwal, AAG, Haryana.

VINOD S. BHARDWAJ, J. (ORAL)

The petitioner has approached this Court challenging the order dated 15.02.2023 (Annexure P-3) passed by the Deputy Commissioner, Gurugram on the basis of the report dated 14.02.2023 (Annexure P-2) whereby a direction is issued to the Deputy Commissioner of Police, Headquarter, Gurugram, to recommend cancellation in FIR No.65 dated 07.02.2023 (Annexure P-1) under Sections 409, 420, 467, 471 and 120-B of the Indian Penal Code, 1860, registered at Police Station City, Sohana, District Gurugram.

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2 Learned State counsel has referred to para No.08 of the reply filed by the Sub Divisional Officer (Civil), South, District Gurugram, for and on behalf of respondents No.1, 2 and 4, wherein it has been averred that the cancellation report had been submitted by the Investigating Agency before the concerned Illaqua Magistrate whereupon notice was issued to the complainant (petitioner herein). It is further averred that notice had been issued to the petitioner and that a protest petition has already been filed by the petitioner which was pending for 10.05.2024.

3 Since a protest petition has already been filed wherein the legitimacy of the order and its enforceability and its mandate so far as the investigation of a particular case is concerned, is already sub judice before the Illaqua Magistrate, hence, there is no necessity to further examine the said dispute since the concerned Illaqua Magistrate is already seized of the matter and all the pleas have already been raised by the petitioner in the protest petition that has been filed.

4 In view of above, the present petition is disposed of at this stage with liberty to the petitioner to raise all the pleas before the Illaqua Magistrate and also to raise objections with respect to the scope of power and legality and competence of the Deputy Commissioner to issue any such direction to the Deputy Commissioner of Police, Headquarter, Gurugram, for making the recommendation of cancellation of the FIR.

September 11, 2024.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No