

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No. 9484 of 2014 (O&M)
Date of Decision: 20.02.2024

Dayal Singh, Patwari

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sanjiv Gupta, Advocate
for the petitioner.

Mr. Gurmeet Singh, Assistant Advocate General, Haryana
for respondent No. 1.

None for respondent No. 2.

HARKESH MANUJA, J. (ORAL)

The petitioner, by way of present petition filed under Section 482 Cr.P.C., seeks quashing of the order dated 20.11.2013 (**Annexure P-10**) passed by learned Additional Chief Judicial Magistrate, Sirsa, in case No. 07/04.01.2013 and for staying further proceedings arising therefrom, whereby the petitioner alongwith other co-accused was summoned for commission of offence punishable under Sections 420, 467, 469, 471 & 120-B of IPC.

[2] At the outset, learned counsel for the petitioner submits that the present matter is squarely covered by the decision dated 10.02.2022 passed by this Court in *CRM-M-1304-2014*, titled “*Neera Diwan Versus State of Haryana and another*”; thus, prays for quashing of the order dated 20.11.2013 in the light of aforesaid decision dated 10.02.2022.

[3] Learned State Counsel does not dispute the aforesaid factual position and has no objection against the prayer made on behalf of the petitioner.

[4] No one has chosen to appear on behalf of private respondent No. 2.

[5] It transpires that a bunch of three petitions, involving the identical issue(s) herein, WITH lead case titled as ***Neera Diwan's case (supra)***, have already been decided / allowed vide order dated 10.02.2022 passed by Coordinate Bench, which were filed at the instance of co-accused, seeking quashing of FIR No. 175 dated 31.10.2004, under Sections 420, 467, 468, 471 & 120-B of IPC alongwith the consequent proceedings arising therefrom including the order dated 20.11.2013 passed by the learned ACJM, Sirsa. Relevant paras-7 & 8 are re-produced hereunder:-

“7. Consequently, there is merit in the present petitions, and, the same are allowed.

8. However, in view of the afore lack of valid reasonings, being meted by the learned Magistrate concerned, with respect to the validity of the closure report, it is deemed fit to direct the learned Magistrate concerned, to in accordance with law, and, after hearing all the concerned including the complainant, who may choose to file a protest petition against the acceptance of the cancellation report, to make a fresh decision in accordance with law, both upon the cancellation report, and, upon the protest petition, if one, as, may become filed against its acceptance by the complainant, before the learned Magistrate.”

[6] In view of the above, present petition is **allowed** in the same terms as in ***Neera Diwan's case (supra)***.

[7] Pending miscellaneous application(s), if any, shall also stand disposed off.

February 20, 2024
'dk kamra'

(HARKESH MANUJA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No