



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

144 CRM-M-27819-2024
Date of Decision: 29.05.2024

Anupam Nagalia and others Petitioners
Versus

State of Haryana and others Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present Mr. G.S. Attariwala, Senior Advocate with
Mr. Tanvir Singh Attariwala, Advocate and
Mr. Anand Vardhan Khanna, Advocate for the petitioners.

Mr. Vikrant Pamboo, Sr. DAG, Haryana (Through VC).

ANOOP CHITKARA, J. (ORAL)

FIR No.	Dated	Police Station	Sections
56	27.02.2020	Pinjore, Panchkula	406, 420, 467, 468 & 471 IPC

Seeking quashing of order dated 20.04.2023 (Annexure P-12) passed by the learned Sub Divisional Judicial Magistrate Kalka, Panchkula in FIR captioned above whereby it has proceeded to consign the cancellation/closure report dated 10.05.2021 (Annexure P-6) filed in the said case to the record room, petitioners have come up before this Court under Section 482 CrPC read with Section 483 CrPC.

2. The facts of the case are that the petitioners were arraigned as an accused in the above captioned FIR. After investigation, they were finally absolved and a cancellation report was filed. However, the complainant was given opportunity, whereas, on 12.01.2023 the complainant put in appearance and the Court had passed the following order:

“Complainant has appeared and suffered a statement that she is not satisfied with the investigation conducted by the police and wants to proceed further. Adjournment sought. Heard. Allowed. Now, to come up on 20.04.2023 for filing protest petition.



3. Subsequently, vide impugned order dated 20.04.2023 the cancellation report was disposed of and consigned to the record room with liberty to complainant to file protest petition as and when he appears and desires.
4. Perusal of the order dated 20.04.2023 clearly mentions that an indefinite period of time has been granted to the complainant to file a protest petition. Given above on the face of it, this order appears to be incorrect because of absence of an eclipse clause and time bound period.
5. Consequently the present petition is **allowed** and order dated 20.04.2023 is set aside and the matter is remanded back to the concerned SDJM Kalka and she must pass the order fresh and while passing fresh, trial Court shall grant ample opportunity not more than two to the complainant. The trial Court is requested to expedite the matter on top priority. Counsel for the petitioners to hand over the copy of this order on or before 12.07.2024. Petitioners are directed to appear before the concerned Court through their counsel on 12.07.2024. Pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

29.05.2024
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No