



**IN THE PUNJAB AND HARYANA HIGH COURT
CHANDIGARH**

**CRM-M-27760-2024
Date of Decision:02.08.2024**

RANDEEP SINGH @ RIMPLE AND ANR.

.....PETITIONERS

VERSUS

STATE OF PUNJAB AND ORS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Karan Bhardwaj, Advocate
for the petitioners.
Mr. Jaspal Singh Guru, AAG, Punjab

SANDEEP MOUDGIL, J

1. Jurisdiction of this court has been invoked under section 482 Cr.P.C for quashing of the order dated 18.03.2024 (Annexure P-13), passed by the learned Chief Judicial Magistrate, Amritsar, in UCR/82/2023 dated 02.02.2023 whereby cancellation report dated 27.01.2023 (Annexure P-11), filed by the police in FIR No.190 dated 07.10.2022 registered at Police Station Ranjit Avenue, under Section 68 of the Punjab Excise Act,1914; Section 78 of the Juvenile Justice (Care and Protection of Children) Act, 2015 and Section 3 of the Child Labour (Prohibition and Regulation) Act, 1986 (Annexure P-3), has been rejected.

2. The facts of the case briefly put forth are that on 07.10.2022 at about 9.15 PM, one Jaskaran Singh, a relative of Rahul, who is the Manager of Restaurant named Bonlicious Restaurant & Scotch Barrel situated at District Shopping Centre, SCO No.3, Ranjit Avenue, Amritsar, owned by



petitioners – Randeep Singh @ Rimple and Amarpreet Singh @ Ammu, came to the restaurant for having dinner and for getting it packed for his mother – Manjit Kaur. As per normal practice, the staff and their family members used to have their food at the restaurant. At 09:15 PM was peak hour for the restaurant, ASI Gurdiyal Singh alongwith ASI Avtar Singh, ASI Savinderpal Singh and Constable Jasbir Singh also came and parked their private car in the parking area. The restaurant has various other restaurant works of receiving orders from food delivery orders basically from Apps like Zomato, Swiggy etc. The police officials named above gave horn with a signal to send the waiter and demanded for the restaurant Menu. Since there was a lot of rush, Rahul sent his relative Jaskaran to deliver the menu to the police officials, who ordered 4 cocktail glass and Jaskaran passed on the order to the Head and told the customers that they can come in the Hotel and can consume their order but the police officials insisted that they will go back within 2 minutes and in case the glasses are ready it may be handed over to them as they will reward to Jaskaran. Jaskaran went inside and handed over 4 glasses and bill to the police officials. ASI Gurdiyal Singh, respondent No.3, filled Form M-29 and got Jaskaran's statement and sent memo dated 07.10.2022 to the Police Station for registration of FIR under Section 68 of the Punjab Excise Act, 1914 and Section 78 of Juvenile Justice Act and Section 3 of Child Labour Act. Hence, FIR No.190 was got lodged.

3. It is contended by the learned Counsel for the petitioner that all the offences in the FIR, are non-cognizable offences and the Investigating Officer was under an obligation to immediately send an information to the concerned Magistrate and could investigate the case only on taking order from the Magistrate under Section 155 of Cr.P.C. but no procedure was followed



and straightaway FIR No.190 dated 07.10.2022 was lodged at Police Station Ranjit Avenue District Amritsar under the Sections mentioned in the aforementioned FIR.

4. He further contends that it is only after the detailed investigation, the Station House Officer of Police Station Ranjit Avenue Amritsar found the petitioners innocent and submitted its report before the Assistant Commissioner of Police, Amritsar City, who also examined the entire matter in detail and forwarded his report, (Annexure P-8) to the office of Deputy Commissioner of Police, City-II, Amritsar, where also the matter was examined by the Additional Deputy Commissioner of Police City-II, Amritsar (Annexure P-9), and forwarded the matter to the District Attorney (Legal) Amritsar, who also after examining the matter submitted his opinion(Annexure P-10), to the Commissioner of Police, Amritsar, that the petitioners (Randeep Singh and Amarpreet Singh) can be declared innocent. It is thereafter only that the SHO Ranjit Avenue was directed by the Commissioner of Police, Amritsar, to take necessary action on the report and thus, the cancellation report(Annexure P-11), was filed before the Hon'ble Court of learned Chief Judicial Magistrate, Amritsar.

5. He vehemently argues that it is surprising that despite the matter having been examined by all the officers concerned at their own level, even then the cancellation report did not find favour of the Chief Judicial Magistrate as such the impugned order is liable to be set aside because the cancellation report is based on detailed enquiries made by different officers, including the office of District Attorney.

6. Per contra, learned State Counsel by referring to the order dated 18.03.2024 (Annexure P-13), of the learned Chief Judicial Magistrate,



Amritsar, has contended that he has no objection, if the matter is tried by the Hon'ble Court, in accordance with the order dated 18.03.2024 passed by the learned Chief Judicial Magistrate, Amritsar.

7. Heard learned counsel for the respective parties at length.

8. A perusal of the order dated 18.03.2024 speaks in itself that the Chief Judicial Magistrate has not erred in rejecting the cancellation report wherein by no stretch of imagination it can be pleaded by the petitioners for having committed an offence with a *bona fide* intention. Further, the complainant who himself being police officer took no time to send the memo and later surprisingly agreed with the cancellation report. Further, it is a settled proposition of law that a cancellation report has to be rejected to the satisfaction of the Magistrate and not to the satisfaction of the complainant.

9. In the light of the facts stated herein above coupled with the fact that neither of the counsel could categorically point out any discrepancy and ambiguity in the observations of the learned Court below and this Court also finding no reason to intervene in the order dated 18.03.2024 uphold the same.

10. Accordingly, the order passed by the learned Court below is upheld and the present petition seeking quashing of order dated 18.03.2024(Annexure P-13) being devoid of merits is hereby ordered to be dismissed.

(SANDEEP MOUDGIL)
JUDGE

02.08.2024
anuradha

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