



Sr. No.126

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

CRM-M-39401-2024
Date of decision: 11th September 2024

ASHOK KUMARPetitioner

versus

STATE OF PUNJAB AND OTHERSRespondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Ms. Sushma Sharma, Advocate for
Ms. Meena Bansal, Advocate
for the petitioner.

Ms. Himani Arora, AAG, Punjab.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed under Section 528 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 for quashing of FIR No.73 dated 26.04.2005,
under Sections 354, 323 IPC, 1860, registered at Police Station Patran, District
Patiala (Annexure P-1) as well as order dated 19.03.2024, passed by the Judicial
Magistrate First Class-II, Samana (Annexure P-3), whereby, cancellation report
submitted by the Police authorities, was not accepted and the matter was referred
back to the Investigating Agency for further investigation.

2. Notice of motion.

3. Ms. Himani Arora, AAG, Punjab accepts notice on behalf of
respondent-State of Punjab and upon instructions from ASI Kulwant Singh, she has
informed that initially the FIR was registered on 26.04.2024. The cancellation
report was submitted and the impugned order dated 19.03.2024 was passed,
whereby, the Investigating Agency was directed to conduct further investigation.

However, prior to that, on 15.05.2021, the complainant had already expired. A copy



of the death certificate of the complainant-Parveen Kumar has been submitted by the learned State counsel in the Court today, which is taken on record.

4. It has been further informed that after conducting further investigation, the Investigating Agency had prepared and presented fresh cancellation report before the Area Magistrate. The next date of hearing before the Area Magistrate is 12.09.2024.

5. Since after the passing of the impugned order dated 19.03.2024, fresh cancellation report has already been presented before the Area Magistrate, as such, the present petition has been rendered infructuous.

6. Disposed of as having become infructuous. The Trial Court/Area Magistrate shall pass appropriate order after considering the cancellation report, as per law.

7. Pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

11th September 2024
simran

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>