



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-46413-2024 (O&M)

Date of Decision: 18.09.2024

Asgar Khan

.... Petitioner

Versus

State of Haryana and others

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Kamaljeet Saraf, Advocate for
Mr. Vinay Kumar Pandey, Advocate
for the petitioner.

Mr. Surinder Kumar Dagar, DAG, Haryana.

NIDHI GUPTA, J. (ORAL)

Prayer in the present petition under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, 2023 is for issuance of directions to transfer
the investigation in FIR No. 0199 dated 23.11.2023 registered under
Sections 363, 376-D, 506 IPC and Section 6 of POCSO Act, 2012 at
Police Station Bicchor, District Nuh (Annexure P-1) to Crime Branch
Department of the State police or to some Senior Police Official of the
District Police or to some other District Police within the State as the
investigating officer is conducting the investigation in collusion with the
private respondents and is not taking action against the private
respondents in accordance with law.

Learned counsel for the petitioner submits that the victim in
the present case was only 15 years of age on the date of incident. The
complainant is the father of the victim who is before this Court seeking



transfer of investigation as the official respondents are in collusion with the private respondents/accused.

Learned counsel for the State, on instructions from ASI Suresh, informs this Court that a cancellation report has been accepted by the learned Duty/Additional Sessions Judge, Nuh, vide order dated 20.05.2024, which reads as under:-

“Cancellation report presented today. It be checked and registered. At this complainant Axxx has suffered his separate statement that he is fully satisfied with the investigation conducted by police and does not want to proceed it any further and has no objection if the present cancellation report be consigned to record room. Heard. In view of the statement of complainant, no further proceeding is required and file be consigned to record room after due compliance. File be sent back to concerned Court forthwith.”

A copy of the said order dated 20.05.2024 has been handed over in Court today and the same is taken on record.

Learned counsel for the petitioner does not dispute the above facts.

Learned counsel for the State, on instructions from ASI Suresh, submits that it has been inadvertently incorrectly recorded by the learned Duty/Additional Sessions Judge, Nuh in order dated 20.05.2024 that the ‘*cancellation report presented.*’ However, in actual fact, untraced report was submitted.

In view of the facts as noticed above, no further directions are required to be issued.



The present petition stands disposed of.

Pending application, if any, stands disposed of.

18.09.2024
Divyanshi

(NIDHI GUPTA)
JUDGE

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