

2024:PHHC:041292

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

264

CRM-M-51602-2022
Date of decision:- 18.03.2024.

Prithvi Raj

...Petitioner

Versus

State of Haryana and ors.

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present :- Mr. Aditya Sanghi, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

PANKAJ JAIN, J. (Oral)

1. Additional Affidavit of Vikrant Bhushan, IPS, Superintendent of Police, Sirsa, District Sirsa in compliance of order dated 11.12.2023 has been filed. The same is taken on record. Copy thereof supplied to the counsel for the petitioner.

2. On 11.12.2023, following order was passed:-

“Learned counsel for the petitioner has produced order dated 15.09.2023 to aver that not only the affidavit filed before the Court was factually incorrect with respect to acceptance of cancellation report by the trial Court rather the trial Court has already expressed its anguish on the investigation conducted observing as under :-

"xxxx A perusal of the cancellation report goes to show that during investigation the mobile phone of the deceased was taken into police possession, however no Forensic report is on the file by which it could be shown by the Investigating Agency that any investigation with regard to receiving threat calls by the deceased was investigated. Perusal of cancellation report further goes to show that only on the basis of the statements of the suspects, the Investigating Agency concluded that no offence is made out against them. Even the Investigating agency has failed to substantiate the fact that as to how the ownership of the car make maruti Swift VDI was changed in view of the

application allegedly moved by deceased Randhir when the said car was hypothecated with Magma Finance Company as is evident from the document submitted by the authorized officer of Magma Fincorp. The change of ownership of the vehicle in question as pointed out by the complainant was one of the reasons which compelled the deceased to commit suicide and this aspect has not been thoroughly investigated by the police. Therefore, in view of the discussion made above, considering the over all circumstances of the present matter, this court deems it appropriate to send back the present matter for further investigation."

The order dated 15.09.2023 produced by the learned counsel for the petitioner is taken on record as mark 'X'.

The concerned officer, who filed affidavit i.e. Superintendent of Police, Sirsa may file additional affidavit offering explanation.

Adjourned to 18.03.2024."

3. In compliance thereof the afore-stated affidavit has been filed wherein the stand taken by the deponent is that the fact with respect to the acceptance of cancellation by the learned trial Court was mentioned wrongly due to inadvertence and an unqualified unconditional apology has been tendered. Further, it has been stated that after further investigation, the allegations levelled in the FIR have not been found to be true and the cancellation report dated 02.03.2024 has again being prepared. The same be filed before the concerned Authority.

4. Counsel for the petitioner submits that the aforesaid stand taken by the Investigating Agency in teeth of the earlier order passed by the Magistrate which is a detailed order giving reasons for non-acceptance of the cancellation report.

5. In the considered opinion of this Court, the acceptance or rejection of the cancellation report is exclusively within the domain of the concerned Magistrate and this Court would not like to comment on the same as lest the same may prejudice in case of any other parties.

6. However, in view of above, present petition is disposed off with liberty to the petitioner to raise objections with respect to cancellation report if any, before the concerned Magistrate.

18.03.2024
spn

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned
Whether Reportable

: Yes/No
: Yes/No