



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

132

CRM-M-55262-2022

Date of Decision : July 29, 2024

GURLAL SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. I.S.Dhaliwal, Advocate
for the petitioner.

Mr. Pardeep Bajaj, DAG, Punjab.

KULDEEP TIWARI, J. (Oral)

1. Through the instant petition, prayer is made for quashing of FIR No.236 dated 5.11.2020, under Sections 380, 34 IPC, registered at Police Station City Kotkapura, District Faridkot and the order dated 16.7.2022 whereby the learned Judicial Magistrate 1st Class, Faridkot has rejected the cancellation report and ordered for further investigation, which caused grievance to the petitioner.

2. Learned counsel for the petitioner *inter-alia* submits that infact the cancellation report has been filed after a detailed investigation and not only based upon the compromise effected between the parties, whereas, the learned trial Court concerned vide impugned order has rejected the cancellation report by observing that the offence under Section 380 IPC is not compoundable, therefore, the impugned order has been passed without applying judicial mind.

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3. Upon notice, reply has been filed to the instant petition. The reply reflects that the investigation was carried out and the cancellation report has been filed not only on the basis of compromise, rather the conclusion is that no offence is made out.

4. This aspect has been totally over looked by the learned trial Court concerned, therefore, the impugned order is hereby set-aside and the matter is remanded to the learned trial Court concerned to reconsider the cancellation report so preferred by the prosecution agency and thereupon pass a fresh order in accordance with law.

5. **Disposed** of accordingly.

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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No