





7. The co-ordinate Bench of this Court in CRM-M-39693-2021 titled as ***Nitesh Bhardwaj Vs. State of Punjab and others***, decided on 11.10.2021 observed as follows:-

“[9]. It is a settled principle of law that the Court dealing with the cancellation report has to record its own satisfaction while accepting or rejecting the cancellation report. Cancellation report can be rejected by the Court by giving reasons and by doing so, the Court can refer the matter for further investigation also. The Court can take cognizance of its own as well, but the Court cannot reject the cancellation report merely on the ground that the complainant is not satisfied with the investigation.

[10]. It is true that the Magistrate while accepting or rejecting the cancellation report cannot compel investigating agency to change its opinion or to form a particular opinion or to submit challan, but certainly Court can give reasons for directing the police to undertake further investigation. While rejecting the cancellation report, the Magistrate is duty bound to record its own satisfaction instead of accepting mere dis-agreement of the complainant. It is not the satisfaction of the complainant which would ultimately matter, but it is the satisfaction of the Court which would be relevant factor for acceptance or rejection of the cancellation report. Ratio laid down in Prithvi Raj Sehgal's case (supra), Tarlochan Singh 6 of 7 Sethi's case (supra) and Ravinder Kumar's case (supra) can be relied in the aforesaid context.”

8. Thus, it is settled position of law that the trial Court while rejecting the cancellation report presented by the police, is under obligation to record its own satisfaction instead of accepting mere disagreement expressed by the complainant. In the instant case, no such satisfaction of the Court was recorded in the impugned order Annexure P-6. It being so, the impugned order Annexure P-6 is not sustainable in the eyes of law and deserves to be set aside.

9. Consequently, the present petition is allowed and impugned order dated 03.08.2024 Annexure P-6 passed by the Court of Additional Chief Judicial Magistrate, Ludhiana is hereby set aside and the matter is remitted back to the Court concerned with direction to reconsider the issue and pass appropriate order in accordance with law. The petitioners are directed to appear before the Court concerned on 07.11.2024 to proceed further in the matter.

10. Nothing expressed herein above, would be considered as opinion on the merits of the case.

16.10.2024

Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No