

272 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-63329-2023

Date of Decision : April 01, 2024

Kuldeep Singh and others

.....Petitioner(s)

Versus

State of Punjab and another

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present:- Mr. Gursimran Singh Madan, Advocate
for the petitioner(s).

Mr. J.S.Arora, DAG, Punjab
along with ASI Ravel Singh.

Mr. Lalit Sharma, Advocate
for respondent No.2.

PANKAJ JAIN, J. (Oral)

1. Present petition is directed against order dated 09.09.2023 whereby cancellation report presented by the Investigating Agency was rejected and was ordered to be returned to the police authorities for further investigation.

2. Petitioners have been booked in FIR No.206 dated 29.09.2021 registered for under Sections 302 and 34 of IPC at Police Station Dirba. After investigation, police filed cancellation report. Instead of the concerned Court dealing with the same, the same was dealt with by National Lok Adalat by passing impugned order which reads as under:-

“File taken up in the National Lok Adalat. Despite calling the case several times since morning, none has appeared on behalf of complainant. However, complainant Iqbal Khan has already suffered suffered the statement on 28.08.2023 that he is satisfied with the cancellation report.

Heard. Since, the offence under Section 302 of IPC is non-compoundable offence, the present untraced report cannot be accepted and the same is returned to the police authorities for further investigation. The original documents filed by the police are ordered to be returned to the police against proper receipt on placing on record the certified copies of the same. Judicial papers are ordered to be consigned to record room. File be sent back to the Court concerned for the purpose of consignment.”

3. Notice was issued to respondent No.3 upon which Mr. Arnav Sood, Advocate for Punjab State Legal Services Authority appeared and entered into appearance and files Vakalatnama.

4. Counsel for respondent No.3 fairly admits that order by the National Lok Adalat is without jurisdiction and assures the Court that the Officers will be sensitized so that such errors are not committed in future. Taking on record the undertaking given at the behest of respondent No.3, present petition is allowed.

5. Order dated 09.09.2023 is hereby set aside. The cancellation report which was subject matter of order dated 09.09.2023 be placed before the concerned Court by the State within a period of two weeks.

6. This Court is quite sanguine that the same shall be dealt with

in accordance with law by the concerned Court after hearing the

concerned parties.
7. Disposed off accordingly.

01.04.2024
spn

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned
Whether Reportable :

Yes
No