



104

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP-12082-2024 (O&M)
Date of decision: 16.12.2024

Mxxxxx and another

... Petitioners

Vs.

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Dr. Khushbir K. Waraich, Advocate
for the petitioners.

Mr. Subhash Godara, Addl. A.G., Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. Prayer in the present criminal writ petition filed under Article 226 of the Constitution of India is for issuance of a writ, order or direction in the nature of mandamus, directing respondent No.1 to protect the life and liberty of the petitioners, from the hands of respondent No.3 and further direct respondents No.1 & 2 to take strict legal action on the complaint/representation dated 02.12.2024 (Annexure P-2) submitted by petitioner No.1 against respondent No.3 and also to issue a direction to respondent No.2 to submit the final report under Section 193 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short* 'BNSS') in FIR No.89 dated 22.05.2024 under Sections 376 & 363 of the Indian Penal Code, 1860 (*for short* 'IPC'), registered at Police Station City Tarn Taran.

2. Learned counsel for the petitioners, *inter alia*, contends that FIR (supra) was registered on 22.05.2024 and the private respondents are roaming freely and the jurisdictional police authorities have neither concluded the investigation nor arrested any of the accused.

3. Learned State counsel submits that on the same set of pleadings, by twisting the prayer clause, this second petition has been filed, as earlier petition filed by the petitioners was dismissed as withdrawn. He further submits that veracity of the allegations made by the petitioners was thoroughly examined and cancellation of FIR (*supra*) has been recommended, which is pending consideration before the senior police officers.

4. Faced with the above, learned counsel for the petitioners wishes to withdraw the present criminal writ petition.

5. Dismissed as withdrawn.

6. However, keeping in view the provisions contained in Section 193 of BNSS, the jurisdictional police authorities are obligated to conclude the investigation in a case under Sections 376 & 363 of IPC within a period of two months from the date of registration of FIR. As such, the investigating agency is directed to present the final report under Section 193 of BNSS before the concerned jurisdictional Court within a period of 08 weeks from today.

16.12.2024

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[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No