

CRM-M-11525-2018 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(122)

CRM-M-11525-2018 (O & M)

Reserved on:31.10.2025

Date of Pronouncement:03.11.2025

Lakhvir Singh

..... Petitioner

V/s

State of Punjab and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. H.P.S. Ghuman, Advocate,
for the petitioners.

Mr. Harkanwar Jeet Singh, AAG, Punjab.

None for respondent No.2.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 482 Cr.P.C. is for quashing of FIR No.50 dated 07.06.2013 under Section 379 IPC registered at Police Station Bakshiwala, Distt. Patiala (Annexure P-1), summoning order dated 15.04.2017 (Annexure P-2) and order framing charges dated 12.09.2017 (Annexure P-3) and all subsequent proceedings arising therefrom.

2. The brief facts of the case are that the aforementioned FIR was registered at the instance of Raghbir Singh, Sarpanch, Kansuha Kalan with the allegations that Lakhvir Singh-petitioner had uprooted and sold three

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Neem trees from the Shamlat land without the permission of the Panchayat. The copy of the FIR is attached as Annexure P-1 to the petition.

3. The investigating agency filed the first cancellation report dated 08.08.2013 (Annexure P-7) which was sent back for further investigation. The second cancellation report (Annexure P-8) was submitted on 21.01.2015. The same was sent back for further investigation. Ultimately, a third cancellation report dated 25.11.2016 (Annexure P-9) was submitted. The complainant-respondent No.2 expressed his dissatisfaction with the investigation conducted by the police. Based on the material available in the said report, the Court took the cognizance under Section 190(1)(b) Cr.P.C. and summoned the petitioner to face Trial in the said case. The copy of the said order dated 15.04.2017 is attached as Annexure P-2.

4. Thereafter, charges came to be framed vide order dated 12.09.2017 (Annexure P-3).

5. The FIR (Annexure P-1), the summoning order dated 15.04.2017 (Annexure P-2) and the order framing charges dated 12.09.2017 (Annexure P-3) are impugned in the present petition.

6. The learned counsel for the petitioner contends that multiple cancellation reports have been submitted in the instant case. A criminal complaint was filed against the petitioner and certain co-accused. On similar allegations alongwith certain additional allegations, the co-accused were summoned, though, the petitioner was not because he was already an accused in the present case. The co-accused challenged the complaint



(Annexure P-10) and the summoning order dated 05.05.2015 (Annexure P-11) qua them before this Court vide a petition bearing No. CRM-M-22160-2015. The said petition was allowed vide order dated 18.07.2017 (Annexure P-12) and the complaint (Annexure P-10), summoning order (Annexure P-11) and all other subsequent proceedings arising therefrom were quashed qua them. He contends that once on similar allegations, the complaint and the summoning order have been quashed qua the co-accused, the instant FIR (Annexure P-1), summoning order (Annexure P-2), the order dated 12.09.2017 (Annexure P-3) and all subsequent proceedings arising therefrom ought to be quashed qua the petitioner.

7. The learned counsel for the State, on the other hand, contends that merely because in a complaint case in which the petitioner was not summoned, the proceedings qua the co-accused in that case have been quashed, the FIR in the present case and the consequential proceedings cannot be quashed as the evidence is to be led separately. The entire prosecution evidence already stands recorded. The case was listed for final arguments. Therefore, the present petition is liable to be dismissed.

8. I have heard the learned counsel for the parties.

9. In '*Bhagwant Singh versus Commissioner of Police, 1985(2) RCR(Criminal) 259*', the Hon'ble Supreme Court held that when a cancellation report is submitted, the Magistrate may accept the report and drop the proceedings, he may direct a further investigation to be made or he may disagree with the report and take cognizance.

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10. In the instant case, the procedure adopted by the Magistrate in taking cognizance is in accordance with the settled preposition of law.

11. As regards the merit of the case, admittedly, the present FIR was registered only against the petitioner. Though, a somewhat similar complaint had been instituted against the petitioner and his co-accused, the petitioner was not summoned as he was already facing the instant FIR. The complaint and the summoning order in that case against his co-accused stands quashed. However, in the present case which is a State case, all the prosecution evidence has already been recorded. Therefore, the question of quashing of the FIR at this stage would not arise and the Trial Court is to appreciate the evidence led before passing the final judgment.

12. In view of the above, I find no merit in the present petition and the same stands dismissed.

13. Needless to say, the observations in this order are only for the purpose of deciding the instant petition and the Trial Court is free to adjudicate upon the matter on the basis of the evidence led before it uninfluenced by the observations made hereinabove.

14. The pending application(s), if any, shall stand disposed of accordingly.

November 03, 2025
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No