

**CRM-M-25383-2025****1****IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.****Sr. No.131****Case No. : CRM-M-25383-2025****Decided On : May 12, 2025**

Ravjot Singh

.... Petitioner

vs.

State of Punjab and others

.... Respondents

CORAM : HON'BLE MRS. JUSTICE SUKHVINDER KAUR.

* * *

**Present : Mr. Vaibhav Sehgal, Advocate
for the petitioner.**

* * *

SUKHVINDER KAUR, J. :

Prayer in the present petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 is for quashing of the impugned report dated 24.03.2025 (Annexure P-5), issued by respondent no.3, being in blatant violation of the order dated 10.12.2024 (Annexure P-4) qua which COCP No.1985 of 2025 was filed and is pending before this Court, for 13.05.2025, after issuing notice of motion vide order dated 25.03.2025.

Learned counsel for the petitioner has contended that the petitioner is a complainant in FIR No.95 dated 27.10.2016, under Sections 379, 420, 120-B IPC, registered at Police Station Sarabha Nagar, Ludhiana, which was registered after conducting a preliminary inquiry by ADCP-1, Ludhiana. Thereafter, on representation of one Deepak Kumar, son of Suresh Pandey, inquiry was conducted by the then ADCP-3, Ludhiana and the aforesaid FIR



was cancelled. The Cancellation Report was submitted before the learned Judicial Magistrate Ist Class, Ludhiana. After considering the facts and evidence, the Judicial Magistrate Ist Class, Ludhiana did not agree with the said Cancellation Report and vide order dated 30.09.2024, referred the matter back for further investigation.

Thereafter, the investigation was being conducted by SHO, Police Station Sarabha Nagar, Ludhiana. The earlier inquiry was conducted by ADCP-3, Ludhiana. So, there was no logical reason for referring further investigation to SHO, Police Station Sarabha Nagar, Ludhiana, who could not have given report contrary to the report of his senior, who was, at that time, ADCP-3, Ludhiana.

By way of CRM-M-58203-2024, this fact was brought to the notice of this Court and on issuing notice of motion in this case, learned State Counsel informed that the investigation of the case had been marked to DCP, Ludhiana i.e. respondent no.3 and said petition was dismissed as having been rendered infructuous. A specific direction was issued by this Court that the Investigating Officer entrusted with the investigation of the aforesaid FIR would independently evaluate the evidence and would not, in any manner, be swayed by any of the findings recorded by the earlier Investigating Officer.

Learned counsel has further contended that despite the above finding given by this Court, respondent no.3 violated the directions contained in the order dated 10.12.2024 and passed the impugned report stating therein that he concurred with the earlier investigation and thereby, recommended cancellation of the FIR and now, the next date of hearing in



the Cancellation Report has been fixed as 09.06.2025.

It has further been contended by learned counsel that as the impugned report dated 24.03.2025 (Annexure P-5) was in utter violation of the order dated 10.12.2024 (Annexure P-4), so the petitioner filed Contempt Petition bearing COCP No.1985 of 2025, in which, after issuing notice of motion by this Court, vide order dated 25.04.2025, respondent no.2 was directed to look into the matter.

Learned counsel has further submitted that the impugned report dated 24.03.2025 (Annexure P-5) passed by respondent no.3 is illegal and is liable to be quashed as it is in violation of the order dated 10.12.2024 (Annexure P-4) and no independent evaluation of evidence has been made by the Investigating Officer and he has concurred with the earlier Inquiry Report.

Heard.

Learned counsel for the petitioner has himself made the submission that after completion of impugned report dated 24.03.2025 (Annexure P-5), the Cancellation Report has again been filed in the aforesaid FIR and now, the next date fixed before learned Trial Court for hearing in the Cancellation Report is 09.06.2025. As such, the Cancellation Report, now submitted before the learned Trial Court, on the basis of impugned report dated 24.03.2025, is yet to be considered by the learned Trial Court and no specific finding has been made by the Trial Court regarding the same till date. So, in that eventuality, when the Trial Court is yet to consider the Cancellation Report, filed on the basis of impugned report dated 24.03.2025, then the present petition is premature and is not



maintainable, at this stage.

Disposed of accordingly.

May 12, 2025
monika

(SUKHVINDER KAUR)
JUDGE

<i>Whether speaking/reasoned ?</i>	<i>Yes/No.</i>
<i>Whether reportable ?</i>	<i>Yes/No.</i>