

**CRM-M-36499-2025 (O&M)****-1-****130 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH****CRM-M-36499-2025 (O&M)****Date of Decision: 14.07.2025****VIKAS****...Petitioner****V/S****STATE OF HARYANA****...Respondent****CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Petitioner in person(through video conferencing).

Ms. Geeta Sharma, DAG Haryana.

**********HARPREET SINGH BRAR J. (Oral)**

1. The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter 'Cr.P.C.') seeking quashing of final report in case bearing FIR No. 162 dated 28.04.2021 registered under Sections 120-B, 168, 406, 420, 467, 468, 471 and 506 of Indian Penal Code (hereinafter to be referred as 'IPC') at Police Station Kurukshetra University, District Kurukshetra as well as and fresh investigation into the matter.

2. The petitioner, present in person, submits that he is the complainant in FIR(supra) filed on the ground that the Sarpanch of the village Bhiwani Khera has earned profit using their official position by playing fraud regarding procurement of material. The brother-in-law of the Sarpanch is the proprietor of the firm- Baba Corporation, from whom certain materials were procured without issuing a tender. The Sarpanch, in conspiracy with his co-accused, have charged the government heavy rates by preparing forged and fabricated bills to make an unlawful gain. He further submits that the accused were joined in the investigation, however, the petitioner was left out of it. During the entirety of the investigation, the statement of the petitioner was



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never recorded. Further, the police has failed to record that the petitioner was threatened when he made an application under Right to Information Act, 2005, thereby shielding the accused from charges under Section 506 IPC. Further still, the final report shows no reference being made to any panchayat documents whatsoever. The petitioner is yet to officially receive any information regarding conclusion of the investigation. Curiously, the investigating agency sent the final report to the BDPO vide letter dated 21.12.2021 first, in order to dispose of the complaints filed against the accused on allegations of corruption. Curiously, final report (Annexure P-7) was submitted in March, 2023, after about 01 year and 2 months. He further submits that he appeared before the learned trial Court with an application but he was refused a copy of the cancellation report. Lastly, he submits that he filed a protest petition against the same two months ago.

3. *Per contra*, learned State counsel submits that on conclusion of the investigation, a cancellation report dated 24.10.2021 was presented, which is currently pending consideration before the learned Judicial Magistrate Ist Class, Kurukshetra. She further submits that the present petition is not maintainable and that the petitioner has an equally efficacious remedy available to him as learned trial Court is seized of the matter. In case any grievances on part of the petitioner remain, he can raise the same before the learned trial Court.

4. Having heard learned counsel for the parties and after perusing the record, it transpires that a cancellation report stands presented before the concerned Court in the present case. However, the same has not been decided till date. Further, the petitioner has claimed to have filed a protest petition before the concerned Court. Be that as it may, this Court in **Pawan**



Kharbanda Vs. State of Punjab and Another 2025(1) Law Herald 456, while dealing with assessment of cancellation reports *in extenso*, issued the following guidelines:

“15. ...To ensure uniformity and judicial coherence, this Court deems it appropriate to issue the following directives:

1. Guidelines for considering Cancellation Reports under Section 173 of Cr.P.C. (now Section 193 of BNSS):

a) As already clarified, there is no legislative mandate that empowers the Magistrates to order re-investigation. Further, the concept of re-investigation has not been prescribed in criminal matters by the legislature. The role of the Magistrates in evaluating the Cancellation Report is, therefore, strictly confined to the legal options available under the Cr.P.C. (now BNSS). In fact, when a cancellation report is presented by the Investigating Officer, concluding that no offence appears to have been committed, the Magistrate has the following three options:

- (i) Accept the report and drop the proceedings.*
- (ii) Disagree with the report, take cognizance of the offence and issue process.*
- (iii) Direct further investigation by the police under Section 156(3) of Cr.P.C (now Section 175(3) of BNSS)*

*(b) The Magistrate must not direct further investigation solely based on the dissatisfaction of the complainant with the Cancellation Report. Ordering further investigation at the ipse dixit of the complainant could prove to be detrimental to the cause of justice, since he/she is an interested party and may have ulterior motives. It is not the satisfaction of the complainant, which would ultimately matter, but the satisfaction of the **Court** alone for the purposes of the acceptance or rejection of the Cancellation Report. If such a defunct approach is allowed, it will not only make it well-nigh impossible for the criminal Courts to conclude proceedings but also jeopardize the concept of free, fair and speedy trial. The complainant is obligated to specifically indicate the shortcomings in the investigation and demonstrate what crucial piece of evidence has been ignored or overlooked by the Investigating Officer, that would necessitate further investigation.*

(c) When the Magistrate does deem it necessary to direct further investigation, the order so passed must reflect satisfaction supported by judicial reasoning, demonstrating that:

- (i) Some crucial evidence was overlooked by the investigating agency.*



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- (ii) A key piece of material evidence or document, which would aid in the effective adjudication of the case, required to be collected.*
- (iii) The Investigating Officer has acted with bias or in a manner that obstructs the course of justice.*
- (These illustrations are enumerative and not exhaustive)*

The Magistrate must record his findings guided by objective standards of reason and justice.”

5. Without commenting any further on the merits of the case, lest it may prejudice either of the parties, the present petition is disposed of with a direction to the jurisdictional Court/Illaq Magistrate to pass an appropriate order deciding on the cancellation report, strictly in terms of the judgment ***Pawan Kharbanda(supra)***.

6. Pending miscellaneous application(s), if any, shall also stand disposed of.

14.07.2025
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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