



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

158

CRM-M-38274-2025 (O&M)
Date of decision: 21.07.2025

Amarpreet Singh

....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

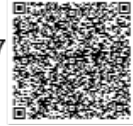
Present: Mr. Vaibhav Sharma, Advocate
for the petitioner.

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

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this petition filed under Section 482 of Cr.P.C., is for quashing of FIR No.0398 dated 06.10.2022 registered under Sections 323, 341, 506 and 34 IPC at Police Station Division No.7, Police Commissionerate, Ludhiana and alternatively, quash the order dated 28.11.2023 passed by learned Judicial Magistrate Ist Class, Ludhiana, whereby direction has been issued to conduct further investigation in the FIR (supra).

2. Learned counsel for the petitioner contends that the impugned order dated 28.11.2023 (Annexure P-2), passed by the learned Judicial Magistrate First Class, Ludhiana, has been issued in a mechanical and non-judicious manner. It is argued that the direction for further investigation was issued solely based on the complainant's



dissatisfaction with the cancellation report. Reliance is placed on the judgment in *Pawan Kharbanda vs. State of Punjab and another, passed in CRM-M No.3193 of 2025, decided on 29.01.2025*, wherein it was held that a Magistrate should not order further investigation merely because the complainant is dissatisfied. Such an approach undermines the fairness of criminal proceedings, as it allows interested parties to unduly influence the process. It is submitted that the Court's satisfaction alone is relevant in determining the adequacy of investigation. Moreover, the complainant must specifically point out any deficiencies or overlooked material evidence to justify further investigation. Otherwise, it could result in never-ending trials and compromise the fairness, impartiality, and timely conclusion of proceedings.

3. Learned State counsel submits that after a thorough investigation, a cancellation report was prepared and submitted before the jurisdictional Court. However, the same was returned to the concerned police station with a direction to conduct further investigation.

4. Without commenting on the merits of the case, and considering the peculiar facts and circumstances, the impugned order dated 28.11.2023 (Annexure P-2) passed by the jurisdictional Court is set-aside and the present petition is disposed of with a direction to consider the cancellation report and pass afresh order strictly in accordance with the guidelines laid down by this Court in *Pawan*



Kharbanda’s case (supra), after affording adequate opportunity to the parties to file written objections, if any, regarding any alleged shortcomings or bias in the investigation conducted by the investigating agency.

(HARPREET SINGH BRAR)
JUDGE

21.07.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No