

2026:PHHC:007346



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

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CRM-M-20847-2025
Date of Decision: 19.01.2026

RAMA KANT KALIA

... Petitioner

VERSUS

STATE OF PUNJAB AND ANOTHER

... Respondents

CORAM: HON'BLE MR. JUSTICE H.S. GREWAL.

Present: Mr. H.S. Saggu, Advocate
for the petitioner.

Mr. Rohit Hans, DAG, Punjab.

None for respondent No.2.

H.S. GREWAL, J. (ORAL)

This petition has been filed under Section 528 of Bharatiya Nagrik Suraksha Sanhita, 2023 seeking quashing of FIR No.46 dated 06.06.2020 under Section 500 of IPC and Section 67 of Information Technology Act, 2000 registered at Police Station City Kurali, District S.A.S. Nagar alongwith all subsequent proceedings. Counsel for the petitioner has made an oral prayer to quash the order dated 20.04.2024 passed by the trial Court, whereby the cancellation report submitted by the investigating agency has been dismissed and the matter has been referred to the concerned police station for carrying out further investigation.

2. Learned counsel for the petitioner submits that the trial Court has rejected the cancellation report submitted by the police in a mechanical manner and without considering the relevant facts and circumstances elaborated in the

cancellation report. He further submits that merely on the basis of sole statement of the complainant, the cancellation report cannot be rejected.

3. Learned State Counsel on the other hand submits that he does not want to file reply in the present case. He further submits the investigating agency has no personal interest in the matter and that it shall be bound to obey/complying with the orders whatsoever passed by the Court.

4. There is no representation on behalf of respondent No.2 despite service.

5. Heard.

6. A perusal of order dated 06.03.2024 (Annexure P-2) shows that the complainant has got his statement recorded before the trial Court to the effect that he does not agree with the investigation conducted by the police and prayed for reinvestigation. The Investigating Officer ASI Rajpal also got recorded his statement identifying the complainant. Thereafter, the case was ordered to be taken for consideration before Lok Adalat which was to be held on 09.03.2024. However, in its order dated 20.04.2024 (Annexure P-3), the trial Court has again recorded that the complainant is not satisfied with the investigation conducted by the police and as such, he does not agree with the cancellation report submitted by the investigating agency. Therefore, the cancellation report cannot be accepted. Accordingly, the same is dismissed. The police file was ordered to be returned to the concerned Police Station for carrying out further investigation.

7. This Court is of the considered view that the order dated 20.04.2024 passed by the trial Court is not a well speaking order and has been passed without applying the judicial mind and without assigning any cogent reason for ordering the further investigation merely on the basis of non-satisfaction of the complainant, which is not permissible in law.

8. It is settled law that the statement of the complainant regarding dissatisfaction with the investigation cannot be the sole ground for rejecting the cancellation report. In the matter of “**Ravinder Kumar Versus State of Punjab**”, (2020) 4 RCR (Criminal) 137, a Co-ordinate Bench of this Court has held as under:-

“8 The complainant being an interested party would obviously not be satisfied with the cancellation report. Recital in the impugned order dated 13.10.2018 that the complainant was not satisfied, in my considered view cannot be the sole ground to discard the cancellation report as the Sub-Divisional Judicial Magistrate has not elaborated the reasons of dissatisfaction of the complainant except to allege that the Police did not consider the material aspects of inquiry report dated 27.03.2018 conducted by the Additional Director General of Police (Jails) Punjab, Chandigarh in favour of the petitioner.

9. Be that as it may, at this stage without forming any opinion on merits of the case, it would be just and appropriate to direct the Sub-Divisional Judicial Magistrate, Nabha to revisit the issue and pass a fresh order in accordance with law. Consequently, the impugned order dated 13.10.2018 is set aside and Sub-Divisional Judicial Magistrate, Nabha is directed to pass a fresh order in accordance with law.”

9. In light of the above, the impugned order dated 20.04.2024 is hereby set aside and the learned trial Court/JMIC, Kharar is directed to reconsider the issue involved and to pass the order afresh taking into consideration the observations made and law cited hereinabove.

10. Petition stands disposed of in above terms.

JANUARY 19, 2026.

Rajender

**(H.S. GREWAL)
JUDGE**

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