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

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Date of Decision : 27.04.2026

SURINDER KUMAR AND OTHERS**...Petitioners****VERSUS****STATE OF PUNJAB AND ANOTHER****...Respondents****CORAM: HON'BLE MR. JUSTICE H.S. GREWAL**

Present: Mr Vishal Sharma, , Advocate
for the petitioners

Mr. Rohit Hans, DAG, Punjab.

H.S. GREWAL, J. (ORAL)

1. This is the second petition filed under Section 528 of BNSS seeking quashing of FIR No.97 dated 02.07.2019, under Sections 406, 420 IPC registered at Police Station Dasuya, District Hoshiarpur along with all consequential proceedings emanating therefrom including report under Section 173 Cr.P.C dated 31.03.2021 (Annexure P-9). It has further been prayed that appropriate directions be issued to the learned trial Court to adjudicate cancellation report dated 02.02.2022 (Annexure P-13) and also to set aside the impugned order dated 08.08.2025 (Annexure P-17), whereby application filed by the petitioners for dropping of proceedings, was dismissed.

The first petition bearing CRM-M-49440-2021 was disposed of by a Co-ordinate Bench of this Court, vide order dated 03.08.2023.



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2. As per the allegations in the FIR, the complainant–respondent No. 2 has alleged that the accused persons, including the petitioners, initiated talks in September 2017 to send the complainant abroad (to the USA). It is further alleged that a sum of ₹10 lakh was paid in cash on 08.09.2017 at the complainant’s shop at Dasuya as advance payment to the accused persons (unspecified). It is thus alleged that the accused persons, i.e. petitioner No. 1 along with Gurpreet Kaur (his wife), Nitish Kumar (his brother), petitioner No. 2 Paramjit Singh, and Gurwinder Singh son of Hamir Singh, defrauded the complainant on the pretext of sending him abroad. Accordingly, the present FIR has been registered against them.

3. Learned counsel for the petitioners submits that the challan was initially presented on 31.03.2021. Thereafter, the petitioners approached this Court seeking quashing of the instant FIR along with all consequential proceedings by filing CRM-M-49440-2021. The said petition came up for preliminary hearing on 25.11.2021, whereupon this Hon’ble Court was pleased to issue notice of motion and adjourn the proceedings before the learned trial Court. It is further submitted that on 02.02.2022, a cancellation report was filed. Subsequently, this Hon’ble Court, vide order dated 03.08.2023 passed in CRM-M-49440-2021, observed that the matter shall be dealt with by the learned trial Court below, and the petition was accordingly disposed of.

In compliance with the order dated 03.08.2023, the learned trial Court, instead of adjudicating upon the cancellation report filed by the State, proceeded further with the trial while ignoring the said order. Thereafter, the learned JMIC, vide order dated 29.09.2023, recorded that “as per the report of the Ahlmad, no further



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orders had been received from the Hon'ble High Court. No PW is present. Let PWs as per list be summoned for 14.11.2023." Thereafter petitioners have moved an application dated 24.07.2024 for their discharge and the same was dismissed vide order dated 08.08.2025.

4. Learned State counsel submits that learned trial Court rightly continued with the proceedings and summoned prosecution witnesses in furtherance of trial.

5. I have heard the submissions of learned counsel for the parties.

6. At the outset, it is not in dispute that a cancellation report was filed by the investigating agency on 02.02.2022 after the presentation of challan. It is a settled principle of law that once such a report is filed before the competent Court, the Court is under a legal obligation to apply its mind to the contents of the report and to take an informed decision as to whether the same deserves to be accepted or rejected. The Court may either accept the cancellation report, direct further investigation, or take cognizance of the offence if sufficient material exists. In the present case, this Hon'ble Court, vide order dated 03.08.2023, had specifically relegated the matter to the learned trial Court for appropriate adjudication. The clear intent of the said order was that the learned trial Court should first consider the cancellation report and thereafter proceed in accordance with law. However, a perusal of the impugned order dated 29.09.2023 reveals that the learned trial Court proceeded to summon prosecution witnesses without first adjudicating upon the cancellation report. Such an approach is not only procedurally irregular but also contrary to settled legal principles, as it amounts to proceeding with the trial without deciding a foundational issue affecting the very maintainability of the



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prosecution. The observation made by the learned trial Court that no further orders had been received from this Hon’ble Court does not justify bypassing the consideration of the cancellation report, which was already on record and required adjudication. The learned trial Court, being a Court of law, was duty-bound to pass a reasoned order on the said report before taking any further steps in the matter. In view of the above, this Court finds that the impugned order dated 29.09.2023 cannot be sustained in the eyes of law and deserves to be set aside. Accordingly, the present petition is allowed and the learned trial Court is directed to first consider the cancellation report dated 02.02.2022, along with all material available on record, and to pass a well-reasoned and speaking order strictly in accordance with law.

(H.S. GREWAL)
JUDGE

27.04.2026
Renu

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No