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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5036-2019 (O&M)
Date of Decision: 01.09.2020

RAVINDER KUMAR

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Mansur Ali, Advocate
for the petitioner.

Mr. Ramdeep Pratap Singh, D.A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

[1]. The case has been taken up for hearing through video conferencing.

[2]. The petitioner has assailed the order dated 13.10.2018 passed by the Sub-Divisional Judicial Magistrate, Nabha in FIR No.103 dated 24.11.2006 registered under Section 409 IPC at Police Station Kotwali, Nabha District Patiala along with other reliefs.

[3]. Perusal of the record would show that the Police investigated the offence and filed cancellation report. Notice was given to the complainant. On appearance, the complainant

showed his dissatisfaction with the cancellation report submitted by the Investigating Agency. The complainant alleged that the Investigating Agency has not considered the material aspects of the case while submitting cancellation report. Complainant prayed for further investigation in view of inquiry report.

[4]. The Sub-Divisional Judicial Magistrate, Nabha vide order dated 13.10.2018 rejected the cancellation report and sent the case for further investigation with specific direction to the Police to deal with the inquiry report in detail and to give findings thereof.

[5]. Learned counsel for the petitioner submitted that the impugned order is totally non-speaking as the Court did not give reasons as to why the complainant was not satisfied.

[6]. Learned State counsel submitted that the Police had already prepared the cancellation report in favour of the petitioner after due investigation of the case.

[7]. I have considered the submissions made by learned counsel for the parties.

[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.

[10]. Disposed of.

September 01, 2020

Atik

Whether speaking/reasoned

Whether reportable

**(RAJ MOHAN SINGH)
JUDGE**

Yes/No

Yes/No