
(2021) 07 SHI CK 0072
In the High Court Of Himachal Pradesh
Case No : CRMMO No. 338 Of 2018

B.L. Kanwar

APPELLANT

Vs

State Of Himachal Pradesh And Others

RESPONDENT

Date of Decision : 08-07-2021

Acts Referred:

Indian Penal Code, 1860 — Section 120(B), 409, 420, 467, 471
Prevention Of Corruption Act, 1988 — Section 13(2)

Citation : (2021) 07 SHI CK 0072

Hon'ble Judges : Sandeep Sharma, J

Bench : Single Bench

Advocate : Nitin Thakur, Sudhir Bhatnagar, Arvind Sharma, Kunal Thakur

Final Decision : Disposed Of

Judgement

Sandeep Sharma, J

1. By way of instant petition filed under S.482 CrPC, prayer has been made on behalf of the petitioner for quashing of FIR No. 3, dated 1.1.1999,

under Ss. 409, 420, 467, 471 and 120B IPC and S.13(2) of the Prevention of Corruption Act, registered at Police Station Boileauganj, Shimla,

Himachal Pradesh.

2. Reply filed by respondent No. 1 reveals that the investigating agency after having completed investigation has already submitted cancellation report

before the competent Court of law. Reply filed by respondent No.1 further reveals that prior to filing cancellation report, police had presented challan

under S.173 CrPC in the competent court of law, but learned Special Judge (Forests) Shimla vide order 25.7.2011, ordered that since no offence was

committed under the Prevention of Corruption Act 1988, within the territorial jurisdiction of this Court, and acceptance or rejection of cancellation

report under S.173 CrPC in an exercise of power relatable to the jurisdiction of the court, no order can be passed except return of said case to the

State for presenting the same in the competent Court of law.

3. Mr. Sudhir Bhatnagar, learned Additional Advocate General, while referring to aforesaid reply filed on behalf of respondent State and order

dated 25.7.2011 passed by competent court submits that since cancellation report already stands filed before competent Court of law, prayer made in

the instant petition cannot be accepted.

4. Having heard learned counsel for the parties and perused the material available on record, especially order dated 25.7.2011 passed by learned

Special Judge (Forest) Shimla, this court finds that since the offence in question was committed in Delhi, as such, investigating agency has filed

cancellation report in the FIR sought to be quashed, in the competent court of law and as such, no orders at this stage can be passed, qua prayer made

in the instant petition.

5. Consequently, in view of above, present petition is disposed of with the direction to court below to pass appropriate orders on the cancellation report

filed by respondent-State, if not already passed, expeditiously, preferably, preferably within a period of eight weeks. Needless to say, court below

while rejecting /accepting the cancellation report shall afford an opportunity of hearing to both the parties. Learned counsel appearing for the parties

undertake to cause presence of complainant as well as accused before learned Court below on 31.7.2021, enabling it to do the needful well within

stipulated time.

The petition stands disposed of in the aforesaid terms, alongwith all pending applications. Interim order(s), if any, stand vacated.