
(2010) 09 P&H CK 0141

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. M-78174 of 2006

Madan Lal and Others

APPELLANT

Vs

State of Punjab and Another

RESPONDENT

Date of Decision : 20-09-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 323, 34, 379, 382, 452

Citation : (2010) 09 P&H CK 0141

Hon'ble Judges : Kanwaljit Singh Ahluwalia, J

Bench : Single Bench

Judgement

Kanwaljit Singh Ahluwalia, J.—The present petition has been filed u/s 482 Cr.P.C. Seeking quashing of FIR No. 20 dated 15.2.2001 registered at Police Station Basti Jodhewal, District Ludhiana under Sections 452, 323, 379, 382, 506, 504, 34 IPC.

2. In the reply filed on behalf of respondent No. 1, through Deputy Superintendent of Police, Rural, Ludhiana, it has been stated that SI Balwinder Singh, the then SHO, Police Station Basti Jodhewal carried out the investigation and came to conclusion that on 29.1.2001, the accused-petitioners had not entered into the house of respondent No. 2, as alleged by him. Neither any injury was caused by them nor any article was taken away. Further, it has been stated as under:

3.... Again the cancellation report was prepared and was submitted in the Id. Court of competent jurisdiction on 16.11.2004. However, despite notice issued by the Id. Court, the respondent No. 2 did not appear before the Id. Court and, therefore, the Id. Court directed vide order dated 22.1.2005 that the cancellation report should be submitted along with the complainant.

4.... The statement of respondent No. 2 was recorded by the Id. Court and now the matter is fixed for 30.7.2007. Thus, the present petition filed by the petitioner deserves to be dismissed qua the respondent No. 1 as the local police

twice had conducted the investigation into the case registered at the instance of respondent No. 2 and every time, the allegations levelled were found to be false.

3. The present petition is disposed of with a direction to the Area (Illaqa) Magistrate to take a decision on the cancellation report, if not already decided, within one month from the date of receipt of a certified copy of this order.