

Present:- Sh. Manoj, Ld. APP.
Complainant Brijbhan in person.

In pursuance of court notice complainant. Complainant Brijbhan appeared before the Court and has stated that he is satisfied with the investigation conducted by the Investigating Officer and does not want to any further action in this case. Separate statement to this effect recorded in writing. Self-attested copy of his Aadhar Card has been placed on record towards his identification proof. Untraced report perused. In view of the statement of the complainant and investigation conducted by the police, this Court is satisfied with the report submitted by the police and accordingly, Untraced Report is hereby accepted. Recently, it has been observed by the Hon'ble High Court of Punjab and Haryana in its order dated 05.01.2021 in CRM-M-44143-2020 that the Cancellation/Untraced reports have to be filed under Section 173(2) Cr.P.C. and the record including the orders passed has to be consigned to the Judicial Record Room. The relevant portion of the said observation is hereby reproduced as under;-

“It may also be observed here that there is practice prevalent at some places of returning the record of cancellation/untraced reports with orders passed thereon to the police or sending the same to Vernacular/Police Record Room but prima-facie such cancellation/untraced reports have to be filed under Section 173 (2) Cr.P.C. before the concerned Judicial Magistrate having jurisdiction and after passing of the orders the record including the orders passed has to be consigned to the Judicial Record Room in the same manner in which charge-sheet/challan is filed and on conclusion of proceedings record is consigned to Judicial Record Room as the provisions of the Cr.P.C. governing