

**In the Court of Rajwinder Kaur-I, PCS,
Sub-Divisional Judicial Magistrate,
Baba Bakala Sahib, District Amritsar,
UID No.PB0352.**

CNR No. PBASB10018272023



Case No. UCR/180/2023

Presented on : 08-09-2023

Registered on : 08-09-2023

Decided on : 30-11-2023

UCR-180-2023

FIR No.45/12

U/s 304-A, 337, 338, 279, 427 IPC,
PS Beas

State Vs. Cancellation Report

Present : – Sh. AS Kahlon, Id. APP for the State.

O R D E R: –

1. Heard on the cancellation report submitted by the prosecution. This Court has gone through the record available on the file and also gone through the legal preposition involved in the present case. The perusal of the cancellation report reveals that the present case has been registered on the statement of complainant Balwinder Kaur w/o Kuldeep Singh, r/o Baba Sawan Singh Nagar, Daulonangal Road, Tehsil Baba Bakala Sahib, Distt. Amritsar against accused Hitesh Girder on the ground that accused was driving his vehicle car bearing RC No.HR10-M-5615 in a rash and negligent manner and committed the accident with the vehicle motorcycle bearing RC No.PB09-F-4147 belonging to the husband of complainant and caused injuries to complainant Balwinder Kaur, her son Upinderjit Singh and her husband Kuldeep Singh. Now the police has submitted the cancellation report on the ground that the first statement given by the husband of the

complainant was to the effect that there was no fault of any person in the accident. It is further claimed by the police that the accident was found to be occurred incidentally and the occurrence was not found to be registered on the basis of true facts due to which this cancellation report has been filed. It is further claimed by the police that the driver of the car namely Hitesh Girder himself took the complainant and his family to the hospital for their treatment and also bear the expenditure of their treatment, but later on complainant started demanding more money after the death of her husband due to which the present FIR was registered. Keeping in view the above-said facts, police has filed the present cancellation report.

2. Complainant Balwinder Kaur also appeared before the Court and made a separate statement that she is complainant of the present case. She further stated that she is not satisfied with the cancellation report and does not agree with the cancellation report and same may not be accepted.

3. Keeping in view the contents of the present cancellation report as well as statement of complainant, I am of the view that the police has submitted the present cancellation report on the ground that husband of the complainant Kuldeep Singh has not died due to the accident, but the perusal of the postmortem report of Kuldeep Singh reveals that the cause of death of Kuldeep Singh is Septicemia as a result of complication of the injuries described in the report and is sufficient to cause death in the ordinary course of nature. So as per the postmortem report, the deceased Kuldeep Singh died due to the complication of injuries suffered in the accident. Hence, no ground is made out for submitting the cancellation report on the ground mentioned above. Further, it is also the case of the prosecution that Hitesh

Girder who was driver of the car himself took the complainant and her family to the hospital for their treatment and also bear their expenditure, but this fact does not show that he has not caused the accident. Keeping in view the discussion made above, it is held that there is need of further investigation in the present case, due to which the present cancellation report filed by investigation agency is hereby rejected and is send back to the quarter concerned for further investigation. Judicial Papers be separated and be consigned to the record room at Baba Bakala Sahib, after due compliance & police papers be returned against proper receipt.

Date of Order: 30.11.2023

P.S. Rawat, Steno Gr.-II

**(Rajwinder Kaur-I)
Sub-Divisional Judicial Magistrate
Baba Bakala Sahib
UID No.PB0352**