

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

Date of decision:25.08.2015.

Rajbir and others

.....Petitioners

v.

State of Haryana and another

.....Respondent

CORAM: HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.NP Bhardwaj,Advocate for the petitioners

Jaswant Singh,J.(Oral)

Petitioner no.1 is Sarpanch and petitioners 2 and 3 are Panches of Gram Panchayat, Village Balla, Tehsil Assandh, District Karnal.

It is stated that an FIR was got lodged by a resident-Sombir against the petitioners with inter alia allegations of mis-appropriation of Gram Panchayat funds. Upon thorough investigation, prosecution agency filed a cancellation report. The learned JMIC,Assandh on the protest by complainant rejected the cancellation report and proceeded with the allegations as a complaint case. Accordingly, summoning order dated 23.2.2015 (P-5) was passed. Hence challenge in the present petition is to the complaint dated 6.12.2013(P-1) as also the summoning order dated 23.2.2015(P-5).

It is inter alia averred that the learned Magistrate has

illegally rejected the cancellation report without application of mind and further in the absence of any protest petition, by simply accepting the statement of the complainant to treat his application under Section 156(3) Cr.PC as protest petition. Various other legal points have been sought to be raised.

After arguing for sometime, in the light of fact that jurisdiction under Section 482 Cr.PC is rarely exercised in the face of alternative remedy of filing a revision available, learned counsel for the petitioner prays for permission to withdraw the present petition under Section 482 Cr.PC, to enable the petitioners to file a revision petition under Section 397 Cr.PC with permission to raise all the pleas available to petitioners.

Dismissed as withdrawn with liberty aforesaid.

25.08.2015.
joshi

(Jaswant Singh)
Judge