

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

Crl.Misc. No.M-31389 of 2012
Date of Decision : 29.9.2015

Ramesh Chand Aggarwal

.....Petitioner

Vs.

State of Haryana and another

.....Respondents

CRM No.M-21022 of 2015

Ramesh Chand Aggarwal

.....Petitioner

Vs.

State of Haryana and another

.....Respondents

...

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

...

Present : Mr. Rajeshwar Singh Thakur, Advocate for the petitioner.
Mr. M.K. Sangwan, DAG, Haryana.
Ms. Ritu Bairagi, Advocate for Mr. R.S. Budhwar, Advocate for
respondent no.2.

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1. To be referred to the Reporter or not ?
2. Whether the judgement should be reported in Digest ?

RAMESHWAR SINGH MALIK, J

Both these petitions by the same petitioner under Section 482 of the Code of Criminal Procedure, for quashing the identical complaints and the summoning orders, have been filed without availing the equally efficacious alternative remedy of revision.

Having heard learned counsel for the petitioner and after careful perusal of the record of the case, both these are petitions are disposed of, relegating the petitioner to his equally efficacious alternative remedy of

revision against the impugned summoning order, at the first instance. It is so said, because although it is not an absolute rule that no such petition would be maintainable in every given fact situation, yet it is equally true that to invoke the inherent jurisdiction of this court under Section 482 Cr.P.C., petitioner would be bound to make out an exceptional case. The petition, as the present, will not be maintainable, as a general rule, until the petitioner has availed his equally efficacious alternative remedy of revision, provided under Cr.P.C. itself. No such exceptional case has been made out in the present matters.

The above said view taken by this court also finds support from the following judgements of the Hon'ble Supreme Court, different High Courts including this Court :-

1. Punjab State Warehousing Corporation Faridkot V. M/s Sh. Durga Ji Traders & Others 2011 (14) SCC 615 (Supreme Court)
2. Hamida V. Rashid @ Rasheed & Others 2008 (1) SCC 474 (Supreme Court)
3. Adalat Prasad V. Rooplal Jindal 2004 (7) SCC 338 (Supreme Court)
4. Madhu Bala & Others V. State of Haryana 2015 (3) R.C.R. (Criminal) 881 (Punjab & Haryana High Court)
5. Rajinder Singh V. State of Haryana 2015 (1) Law Herald 601 (Punjab & Haryana High Court)
6. Sudhir Gowda V. State of Haryana & Anr. 2014 (3) DCR 506 (Punjab & Haryana High Court)
7. Rajinder Arora alias Raju V. State of Punjab & Another 2011 (1) R.C.R. (Criminal) 462 (Punjab & Haryana High Court)
8. Krishan V. State of Haryana 2002 (2) R.C.R. (criminal) 23 (Punjab & Haryana High Court)
9. M/s Golden Forests (I) Ltd. V. Registrar of Companies 1991 (1) R.C.R. (Criminal) 758 (Punjab & Haryana High Court)
10. Amarjeet Singh V. State of Punjab 1997 (3) R.C.R.

(Criminal) 204 (Punjab & Haryana High Court)

11. Mukhtiar Singh V. State of Punjab 1997 (3) R.C.R. (Criminal) 14 (Punjab & Haryana High Court)

12. Bachan Singh V. Harpreet Kaur 1996 (1) R.C.R. (Criminal) 806 (Punjab & Haryana High Court)

13. Shikha Makkar and Another V. State (Government of NCT of Delhi) and another (Crl. M. A. No. 3525-26 of 2015 decided on 10.03.2015 (Delhi High Court)

14. Madhurima Chandra and others V. M/s Ansun Electronic Pvt. Ltd & Another 2015 (1) NIJ 704 (Delhi High Court)

15. Mahendra V. State and Anr. 2014 (3) JCC 1589 (Delhi High Court)

16. Harsh Kapoor and Others. V. Komal Kapoor 2013 (2) U.D. 349 (Uttarakhand High Court)

17. Balabhadra Dash and another, etc. V. State of Orissa and Others. 1991 CriLJ 2457 (Orissa High Court)

18. Mohan Lal and another V. State 1974 CriLJ 1407 (Allahabad High Court)

Reverting back to the facts of the case in hand and respectfully following the law laid down in the cases referred to herein above, it is unhesitatingly held that since no compelling reasons have been disclosed, as to why petitioner could not file revision petition first before filing the present petition, he has not been found entitled for invoking the inherent jurisdiction of this court under Section 482 Cr.P.C.

Disposed of, accordingly.

29.9.2015
GS

(RAMESHWAR SINGH MALIK)
JUDGE