

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

**CRM-M No.33987 of 2015**

**Date of Decision:-07.10.2015**

**Chandan Verma.**

.....Petitioner.

Versus

**State of Haryana & Ors.**

.....Respondents.

**CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH**

Present:- Mr. Mohd. Arshad, Advocate for the Petitioner.

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**JASWANT SINGH, J (ORAL)**

The complainant has preferred this petition against the order dated 23.07.2015 (**P-4**), whereby the Court of Revision has refused to interfere, whereby the learned trial Court has accepted the cancellation report vide order dated 4.09.2014.

Briefly the allegations of the complainant resulted into registration of FIR No.193 dated 12.6.2011 for offences punishable under Sections 147, 148, 323, 448, 427 of Indian Penal Code with Police Station Sector 10, Gurgaon. After investigation the police had submitted its report which was described as discharge report/cancellation report. At that stage, a protest petition was filed by the complainant(petitioner), who had disagreed with the conclusion of the investigation. The learned trial Court on 4.9.2014 accepted the cancellation report and at the same time treated the protest petition as a complaint and fixed the matter for leading evidence on

behalf of the complainant. According to the petitioner on 12.11.2014, the trial Court dismissed the protest petition/complaint in default as none had appeared on behalf of the complainant.

The revision was preferred on 14.10.2014 against the order dated 4.9.2014, wherein the reference of the order dated 12.11.2014 is also made. The Revisional Court has examined this Order and has proceeded to dismiss the revision.

The offences as alleged by the complainant/petitioner are bailable in nature and for that even the registration of FIR may not be necessary, but in the present case since the investigation after FIR resulted into a cancellation report, which was accepted by the trial Court and at the same time treated the protest petition as complaint. The dismissal of complaint in default was one of options before the trial Court under Section 256 Cr.PC. The same has been upheld by the Court of Revision. This clearly means that the Courts below have refused to restore the complaint/protest petition.

Since the complainant was yet to lead its pre-summoning evidence and dismissal in default does not affect the remedy of the complainant/petitioner to institute a fresh complaint and, therefore, the remedy is open to the petitioner and as such this Court does not find any ground to interfere with the impugned order.

In view of the above, finding no merit in the present criminal revision the same is hereby dismissed.

**( JASWANT SINGH )**  
**JUDGE**

**October 07, 2015**  
**Vinay**