

109 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM No.M-39480 of 2014

Date of Decision: February 05, 2015

Naresh Kumar Goyal

.... Petitioner

vs.

State through Drug Inspector

.... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Sherry K. Singla, Advocate for the petitioner.

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh J.(Oral)

The petitioner has filed this petition under Section 482 of the Code of Criminal Procedure, 1973, for quashing of the complaint No.31-2 dated 25.03.2009 (Annexure P-1) titled as “*State through Drug Inspector, Moga vs. Subhash Chander and others*”. Also for quashing the summoning order dated 25.03.2009 (Annexure P-2) passed by learned Chief Judicial Magistrate, Moga, as well as orders dated 12.05.2014 (Annexure P-5), 08.09.2014 (Annexure P-6) passed by learned trial court, vide which the application for dismissing the complaint and the exemption from personal appearance of the petitioner was refused along with all consequential proceedings.

Learned counsel for the petitioner has relied upon the authority of Hon'ble the Supreme Court in case of “***U.P. Pollution***”

Control Board vs. M/s. Mohan Meakins Ltd. and other”, 2002(2) R.C.R.(Criminal) 421 and the authority of this Court in case of ***“Lal Chand Patni vs. State of Haryana”, 1998(4) R.C.R.(Criminal) 546.***

In this case, it comes out that the summoning order (Annexure P-2) was passed by learned Chief Judicial Magistrate, Moga on 25.03.2009 and the application for dismissing the complaint was filed in the year 2013. In this way, the complainant remained silent for four years.

After four years, the complainant was suddenly advised to file the application for dismissing the complaint and thereafter to approach this court. In this way, on account of delay, this Court should not interfere in the summoning order dated 25.03.2009 (Annexure P-2) and for quashing of the complaint in question.

Therefore, the prayer for quashing of the complaint is declined on the ground of inordinate delay only. So far as the prayer for exemption from personal appearance of the petitioner before the trial court is concerned, the petitioner is always at liberty to move the trial court.

Hence, dismissed.

February 05, 2015
sarita

(KULDIP SINGH)
JUDGE