

236

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

CRM-M-40810 of 2014 (O&M)

Date of decision: December 15, 2015

Chuhar Singh and another

.....Petitioners

Versus

Lakhvir Singh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Rajiv Joshi, Advocate
for the petitioners.

Mr. Naveen Kaushik, Advocate for
Mr. T.P.S. Bhatti, Advocate
for the respondent.

SABINA, J

Petitioners have filed this petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr. P.C.' for short) seeking quashing of complaint No.RBT-41/1/14 dated 26.11.2013 titled as "Lakhvir Singh versus Chuhar Singh and another" as well as summoning order dated 22.04.2014.

Learned counsel for the petitioners has submitted that the complaint filed by the respondent was not maintainable in view of the bar imposed by Sections 195 Cr. P.C. Petitioners could not be summoned to face the trial qua commission of offence punishable under Sections 193, 195 IPC on a complaint filed by the respondent. In fact, the Court itself could have taken cognizance of the matter but the respondent could not have file the complaint in question.

Moreover, the complaint in question had been filed by the

complainant through his Attorney as the complainant himself was residing abroad. Learned counsel has further submitted that in these circumstances, the impugned summoning order dated 22.04.2014 be set aside and the trial Court be directed to pass a fresh order in accordance with law.

The submissions made by learned counsel for the petitioners to the effect that the summoning order dated 22.04.2014 be set aside and the trial Court be directed to pass a fresh order in accordance with law, has not been opposed by the learned counsel for the respondent. Learned counsel for the respondent has further submitted that the respondent reserves his right to press for summoning of the petitioners with regard to offence qua which bar under Section 195 Cr. P.C. is not applicable.

In view of the submissions made by learned counsel for the parties, this petition is allowed and the impugned summoning order dated 22.04.2014 is set aside. Trial Court is directed to pass a fresh order in accordance with law.

**(SABINA)
JUDGE**

December 15, 2015
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