

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

CRM-M-1172 of 2016

Date of Decision: January 13, 2016

Nirmala Gollen and others

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Krishan Singh, Advocate
for the petitioners.

FATEH DEEP SINGH, J.

In a complaint filed by complainant Davender Gollen-respondent No.2 against the present petitioners-Nirmala Gollen, Virender and Jai Parkash, the Court of learned Judicial Magistrate 1st Class, Kaithal vide impugned orders dated 18.04.2015 Annexure P/3 summoned the accused for commission of offences punishable under Sections 323,418,452,506 and 120B IPC against which summoning orders the accused-present petitioners have filed revision petition before the learned Sessions Judge, Kaithal and vide orders dated 22.9.2015 Annexure P/1 the revisional Court dismissed the revision finding no irregularity or perversity in the summoning orders passed by the learned Magistrate. It is against these findings the petitioners have invoked the jurisdiction of this Court in terms of Section 482 Cr.P.C. seeking quashing of the complaint and the summoning orders.

Heard learned counsel for the petitioners and perused the record of the case.

It is admitted during the course of arguments by the counsel for the petitioners that without adhering to the summoning orders of the learned Magistrate the petitioners have failed to appear before the trial Court and submit themselves to the custody of the Court. Rather as is apparent from the records for a period of almost nine months have evaded their appearance before the Court and, thus in itself reflects the insolence of the petitioners to the orders of the Court. The petitioners could have moved the trial Court for their discharge in terms of Section 245 Cr.P.C. seeking their discharge but instead resorting to the same have initially filed a revision and subsequently have come up before this Court. This Court seeks support from **2012(3) RCR (Criminal) 673** in the case of **Mohit @ Sonu and another vs. State of UP and another**, whereby, Hon'ble Apex Court relying on its earlier view reported in **AIR 1961 SC 218** in the case of **Padma Sen vs. State of Uttar Pradesh** where in all these ratios it has been specifically laid down that inherent powers of the Court cannot be exercised so as to nullify the provisions of the Code, especially, when there is specific remedy provided under the Code and the fact that provisions of Section 482 Cr.P.C. as has been laid down in case of **State of Haryana and others vs. Ch. Bhajan Lal and others AIR 1992 S.C. 604** are to be sparingly used. Thus, in the totality of these issues there is no merit in the present petition as the summoning order has been comprehensively adjudicated in the light of the evidence before the Court and, thus, finding no merit the same stands dismissed.

(FATEH DEEP SINGH)
JUDGE

January 13, 2016
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