

246 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R.M-M No.11737 of 2015 (O&M)
Date of Decision : 01.09.2016

Mohan Singh

..... Petitioner

Versus

Teja Singh

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. P.K.Gupta, Advocate for the petitioner.

None for the respondent.

AJAY TEWARI, J. (Oral)

On 29.04.2015 the following order was passed :-

“The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of complaint No.23 dated 23.03.2008/18.09.2012 at Annexure P-1 as also subsequent summoning order dated 11.06.2013 at Annexure P-2.

Counsel would submit that in the case of co-accused i.e. son of the petitioner, namely, Shinda, a criminal revision had been filed against the summoning order dated 11.06.2013 and the same has been allowed vide order dated

12.11.2014 passed by the learned Additional Sessions Judge, Fast Track Court, Hoshiarpur (Annexure P-4).

Notice of motion, returnable for 14.07.2015.”

None has appeared on behalf of the respondent despite service either on 30.03.2016 or today.

Learned counsel for the petitioner has argued that the son of the petitioner was also an accused when the complaint was filed in the same complaint. When the complaint was filed the petitioner was abroad and consequently was never served with any summons. His son had challenged the summoning order in revision before the Additional Sessions Judge, Hoshiarpur and by order (Annexure P-4) that revision was allowed and the summoning order was set aside after contest and (as a matter of fact that is the reason the complainant is not appearing before this Court because he has allowed that order to become final). The petitioner returned after a few years and it was then he came to know about the pendency of the matter and, since the limitation to file revision had already expired the present petition was filed.

In view of the order (Annexure P-4) and in view of the fact that the respondent has not appeared to contest the proceedings the present petition is allowed. The complaint and summoning orders are set

aside.

Since the main case has been decided, the pending Criminal Misc. Application, if any, also stands disposed of.

01.09.2016

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No