

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.17408 of 2012

Date of Decision:25.02.2016

Jaswant Singh and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH.

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?

**Present: Mr.S.P.S.Sidhu, Advocate,
for the petitioners.**

Mr.Lovinder Safat, AAG, Punjab.

**Mr.Naresh Kumar Manchanda, Advocate,
for respondent No.2.**

KULDIP SINGH, J.(oral)

Petitioners sought the quashing of complaint No.598-1 dated 05.07.2007, titled as "Rajinder Pal Singh Versus Karaj Singh etc." as well as summoning order dated 30.03.2010 passed by the trial Court.

It comes out that a State case was registered against the present petitioners and they were tried by the Judicial Magistrate 1st Class. They were acquitted of the charges framed against them by learned Additional Sessions Judge, Ferozepur, vide judgment dated 31.03.2011 (Annexure P-5). The appeal bearing No.CRM-A-555-MA

of 2011 against their acquittal was dismissed by a Division Bench of this Court on 05.02.2013. As per the print-out supplied by the learned counsel for the petitioners, SLP filed before the Hon'ble Supreme Court was also dismissed on 19.07.2013, which means that the order of acquittal has become final. Now the complainant has filed a criminal complaint before the lower Court on the same facts, wherein, the petitioners have been summoned by the impugned order.

I have heard learned counsel for the parties, and have also carefully gone through the file.

It comes out that during the trial, a criminal complaint has been filed by the complainant. Vide impugned order 30.03.2010, the petitioners were summoned. Once the petitioners were tried in a State case and on the same very facts they were acquitted, they cannot be tried for the same offence again in view of constitutional protection provided under Article 21, Part-III of the Constitution of India.

It being so, the present complaint is nothing but an abuse of process of law. Accordingly, the present petition is allowed and complaint No.598-1 dated 05.07.2007, titled as "Rajinder Pal Singh Versus Karaj Singh etc." and summoning order dated 30.03.2010 along with all the consequential proceedings arising therefrom stand quashed.

(KULDIP SINGH)
JUDGE

February 25, 2016
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