

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

CRM No.M-21132 of 2011 (O&M)

Date of Decision: May 26, 2016

Parveen Bhatia and others

...Petitioners

VERSUS

The State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Jagmohan Singh Bhatti Advocate
for the petitioners.

Mr.P.S.Grewal, Deputy Advocate General, Punjab
for the respondent-State.

Mr.Sunil Chadha, Senior Advocate with
Mr.Kirpal Singh, Advocate
for respondent No.2.

INDERJIT SINGH, J.

Petitioners have filed this petition under Section 482 Cr.P.C. against respondents State of Punjab and M/s Shree Baidyanath Ayurved Bhawan for quashing of summoning order dated 04.06.2011 passed by learned Sub Divisional Judicial Magistrate, Malerkotla with all subsequent proceedings arising out of trial in FIR No.62 dated 05.03.2004 under Sections 420, 406 and 409 IPC, wherein the petitioners were found innocent during investigation and the impugned summoning order has been passed against the petitioners after petitioner No.1 as PW-5 was examined on 01.03.2011 and cross-examined on 07.05.2011.

Notice of motion was issued and learned State counsel as well as learned counsel for respondent No.2 appeared and contested the petition.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

The perusal of the record shows that petitioners have been summoned vide impugned order dated 04.06.2011 after recording the evidence of PW-5 under Section 319 Cr.P.C. The revision petition lies against the impugned order and not the quashing petition.

It is held by the Hon'ble Supreme Court in *Mohit alias Sonu and another vs. State of U.P. and another, 2013(3) RCR (Criminal) 673*, in which it is held that when there is a specific remedy provided by way of appeal or revision, the inherent power under Section 482 Cr.P.C. or Section 151 C.P.C. cannot and should not be resorted to and relied upon the judgments passed in *AIR 1961 SC 218* and *AIR 1962 SC 527*. It is further held in that case that when an order, which is not interlocutory in nature, can be assailed in the High Court in revisional jurisdiction, then there should be a bar in invoking the inherent jurisdiction of the High Court.

In view of the above law laid down by the Hon'ble Supreme Court, the present quashing petition under Section 482 Cr.P.C. is not maintainable.

Therefore, the present petition stands dismissed being not maintainable. However, the petitioners are at liberty to avail appropriate remedy available to them as per law.

May 26, 2016
Vgulati

(INDERJIT SINGH)
JUDGE