

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

**Crl. Misc. No.M-22543 of 2014 (O&M)
Date of decision : 09.12.2016**

Kumud and others

.....Petitioner(s)

Versus

State of Haryana and another

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Yogesh Goel, Advocate
for the petitioners.

Mr. Vikas Chopra, DAG, Haryana.

Mr. Jasbir Singh Mor, Advocate
for respondent no.2.

ANITA CHAUDHRY, J.

This is a petition for quashing the order passed by the Magistrate as well as the order passed by the Additional Sessions Judge, vide which the petitioners have been summoned as additional accused in FIR No. 91 dated 16.03.2012, registered under Sections 498-A, 406, 323, 506 IPC, P.S. Kharkhoda, District Sonapat.

Copy of MLR has been placed on record.

I have heard both the sides.

Without getting into the issues raised by the petitioners, I feel that it is a case where the orders passed by both the Courts should be set aside as the Magistrate failed to mention the Sections under which the petitioners have been summoned.

Vide order dated 09.07.2014, passed by this Court, the

petitioners had been directed to appear before the trial Court through their counsel and no proceedings have taken place till now. The petition is allowed and the order dated 03.12.2013 (Annexure P-3) passed by JMIC, Sonapat as well as order dated 06.05.2014 (Annexure P-4), passed by Additional Sessions Judge, Sonapat are set aside.

The complainant would appear before the trial Court on 09.01.2017. The trial Court would hear the parties appearing before it again and decide the application filed under Section 319 Cr.P.C. afresh.

09.12.2016

Sunil

**(ANITA CHAUDHRY)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No