

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

Anuradha
2016-09-09 16:37
I attest to the accuracy and
integrity of this document

Sr. No.271

CRM-M-24079-2015

Date of decision :06.09.2016

BHUPINDER SINGH

.....Petitioner

Versus

KULWINDER SINGH

.....Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Sanjay Gupta, Advocate
for the petitioner.

Mr. Gurbir Singh Pannu, Advocate
for the respondent.

Ajay Tewari, J (Oral)

This petition has been filed under Section 482 Cr.P.C for quashing of the criminal complaint no. 228 dated 20.12.2007/03.06.2007 under Section 323, 324, 506 read with Section 34 IPC lodged by the respondent against the petitioner, and the summoning order dated 24.05.2010.

As per the allegations made in the complaint the petitioner had pushed the complainant and also caught hold of him.

Learned counsel for the petitioner has argued that in this case cancellation report was submitted and notice was duly given to the

complainant who appeared and filed his protest petition and contested the trial but despite the same the cancellation report was accepted and the same has not been challenged by the complainant. As per the petitioner, he has been impleaded only because he is NRI. Learned counsel for the petitioner has argued that another co-accused Kamaljit Singh to whom Lalkara had been attributed had also filed a petition for quashing the complaint and the same had been quashed qua that co-accused.

Learned counsel for the complainant has argued that the persons who had caused the injury are facing the trial but has argued that one of the accused who is the brother of the present petitioner had been declared as P.O. and the petitioner is facing the trial for the last 9 years and further only 1 or 2 witness remain to be examined. Consequently he has suggested that for avoiding delay, it would be appropriate to put a time cap on the trial.

Keeping in view all the above facts, to my mind the determinant in this case is that when the cancellation report was filed the complainant had contested the same. In the circumstances I deem it appropriate to quash the criminal complaint No. 228 dated 20.12.2007/03.06.2007 as well as the summoning order dated 24.05.2010.

CRM-M-24079-2015

-3-

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Petition stands disposed of.

September 06, 2016

Anuradha

(AJAY TEWARI)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No