

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

C.R.M-M No.26304 of 2015 (O&M)

Date of Decision : 16.11.2016

Kirpal Singh and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Lakhinder Bir Singh, Advocate for
Mr. Yatin Gupta, Advocate
for the petitioners.

Mr. Ashish Sanghi, DAG, Punjab.

None for respondent No.2.

AJAY TEWARI, J. (Oral)

This petition has been filed for quashing the summoning orders (Annexure P-2 and P-4).

On 24.08.2015 the following order was passed :-

“Counsel for the petitioner has submitted that the incident of assault in the present case is dated 19.5.2008 whereas the complaint was filed on 25.9.2013. The petitioner has lodged FIR No.368 dated 8.10.2008, under

Sections 323, 324 and 325 IPC, against the complainant which fact is mentioned in the complaint also. Prima facie, the complaint appears to be barred under Section 468 Cr.P.C., and is a counterblast to the criminal case registered against the complainant.

Notice of motion for 2.2.2016.

Meanwhile, further proceedings before the trial Court will remain stayed.”

Thereafter on 02.02.2016 the following order was passed :-

“Respondent No.2 has not appeared despite service.

Let the other respondents file written statement within three weeks.

Adjourned to 26.2.2016 for arguments.”

Even today none has appeared on behalf of the respondent No.2.

However as per reply learned Deputy Advocate General has accepted that the limitation in the present case was 3 years under Section 468 Cr.P.C. It is thus clear that the complaint is ex-facie barred by limitation. That the summoning order with respect to offences which are barred by limitation.

In the circumstances the petition is allowed and the impugned order is set aside.

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

16.11.2016

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No