

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29630-2014 (O&M)

Date of decision: December 08, 2016.

Rajiv Sud

... **Petitioner**

v.

Kuldip Sood

... **Respondent**

CORAM: **HON'BLE MR. JUSTICE A.B. CHAUDHARI**

Present: Shri Akshay Bhan, Senior Advocate with
Shri G.S. Sandhu, Advocate for the petitioner.

None for the respondent.

A.B. Chaudhari, J. (Oral):

Heard learned senior counsel for the petitioner. This petition is for quashing the complaint No.147/2 dated 19.3.1999 filed by the complainant. None appears for the complainant. There are omnibus prayers made in this petition which include quashing of the complaint as well as for setting aside of the proclamation order.

Learned senior counsel for the petitioner submitted that in the said complaint case, the other two accused have been acquitted by the trial court by a reasoned judgment on 5.9.2011. He submits that there is a finding recorded by the trial court that the complainant had failed to prove his case. He therefore submits that since the complainant has failed to prove his case, there is hardly any reason for the present petitioner to face the trial.

I do not agree. In my opinion, since the petitioner did not appear before the trial court at all for facing the trial since two other accused

were acquitted by the said judgment dated 5.9.2011, it cannot be said that the complaint itself should be quashed at the instance of the present petitioner, the last accused in that complaint. That would amount to pre-judging the issue to be decided by the trial court qua the petitioner accused and the complainant in the trial which was never joined by the petitioner. Hence, the plea for quashing the complaint is not accepted.

The next submission is about the quashing of the PO order of the petitioner. This Court had made an order on 29.8.2014 asking the petitioner to appear before the trial court. Accordingly, learned senior counsel for the petitioner submits that not only the petitioner appeared before the trial court but furnished the bail bonds also.

In that view of the matter, looking to the order dated 29.8.2014 and the subsequent developments, the said order is made absolute and the trial court is directed to complete the trial against the petitioner within a period of six months from the date of receipt of a certified copy of this order since prima facie it appears that the complainant is not interested as he has not appeared before this Court.

The petition is accordingly not entertained and is disposed of.

The petitioner to appear before the trial Judge on 9.1.2017 who shall then proceed further in accordance with law.

[A.B. Chaudhari]
Judge

December 08, 2016.
kadyan

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No