

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

**CRM-M No.32331 of 2015 (O&M)
Date of decision : 13.12.2016**

Yogesh Aggarwal and another

..... Petitioners

versus

Gaurav Kapoor

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. H.S.Randhawa, Advocate
for the petitioners.

Mr. Deepak Agnihotri, Advocate
for the respondent-complainant.

AJAY TEWARI, J. (Oral)

This petition has been filed against the orders of the Courts below summoning the petitioners under Sections 323/324/506/34 IPC.

The solitary ground raised by the learned counsel for the petitioners is that the allegations pertain to 29.03.2005 but the complaint was filed on 12.09.2009 i.e. after 4 years and nearly 6 months. As per the learned counsel for the petitioners offence under Section 323 IPC is punishable for one year and Section 506 IPC is punishable for imprisonment upto 2 years and Section 324 IPC is punishable upto 3 years and therefore, as per Section 468 Cr.P.C. this complaint is beyond limitation.

Learned counsel for the respondent-complainant has, however, argued that this is a cross case and on the version of the petitioners the FIR was lodged but police did not take any action on the cross version reported by the complainant even though the complainant had approached the police on the same day alongwith the MLR. As per him this will be a case where Section 210 Cr.P.C. would be applicable and both the cases have to be tried together.

In my considered opinion the provisions of Section 210 Cr.P.C. would not help the cause of the complainant in respect of limitation. Once under Section 468 Cr.P.C. a period of limitation is prescribed the same can not be extended by invoking section 210 Cr.P.C.

Consequently, the petition is allowed and the impugned orders are set aside.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

13.12.2016

pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No