

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Crl. Misc. No. M- 41414 of 2015

Date of Decision:-17.11.2016

Kuldeep Bhati

..Petitioner

Versus

Satyam Steel and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr.Ram Bilas Gupta, Advocate for the petitioner.

Mr.J.S. Randhawa, Advocate for respondents.

HARI PAL VERMA J.(Oral)

Prayer made in the instant petition filed under Section 482 Cr.P.C. is for quashing of the order dated 22.01.2015 (Annexure P-2) passed by learned Judicial Magistrate Ist Class, Faridabad whereby the complaint No.36 dated 02.02.2013 titled as “***Kuldeep Bhati Vs. M/s. Satyam Steel etc.***” filed by the petitioner under Sections 420, 467, 468, 471 IPC was dismissed in default for non-apperance of the petitioner.

Learned counsel for the petitioner submits that the complaint was dismissed in default without summoning the accused.

On the other hand, learned counsel for the respondents while placing reliance in the case of ***Jatinder Singh and others Vs. Ranjit Kaur, 2001 (1) R.C.R. (criminal) 692***, has argued that once a criminal complaint has been dismissed in default but not on merits, in such like event, the second complaint on the same facts would be maintainable.

In view of above, learned counsel for the petitioner wishes to withdraw the instant petition with the liberty to file fresh complaint, as his earlier complaint was dismissed in default not on merits.

Dismissed as withdrawn with liberty aforesaid.

(HARI PAL VERMA)
JUDGE

17.11.2016
Anjal

<i>Whether speaking/reasoned?</i>	<i>Yes</i>
<i>Whether reportable?</i>	<i>Yes/No</i>