

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 219

Criminal Miscellaneous No.M-43654 of 2014 (O & M)

Date of Decision: *January 27, 2016*

Pritpal Singh

..... PETITIONER

VERSUS

State of Punjab & another

..... RESPONDENT

. . .

CORAM: **HON'BLE MR. JUSTICE JASPAL SINGH**

. . .

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

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PRESENT: - Mr. B.S. Bhalla, Advocate, for the petitioner.

Mr. Jaspreet Singh Sekhon, Assistant Advocate
General, Punjab.

Mr. Amandeep Singh Gill, Advocate, for respondent
No.2.

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Jaspal Singh, J

1. Through the instant petition preferred under Section 482
Cr.P.C., petitioner – Pritpal Singh has sought quashing of FIR No.162
dated September 10, 2012 under Section 420 IPC, registered at Police
Station, Moga City (Annexure P-3) and order dated June 4, 2014
(Annexure P-5).

2. Undisputably, the FIR in question was lodged at the instance of respondent No.2 – Darshan Singh, under Section 420/ 120-B IPC. The matter was investigated by the police and after completion thereof, report under Section 173(2) Cr.P.C. was presented against Gurdeep Singh whereas petitioner was found innocent. Subsequent thereto, during the pendency of trial, an application under Section 319 Cr.P.C. was filed by the complainant and vide impugned order dated June 4, 2014 (Annexure P-5), the petitioner has been summoned to face trial.

3. A glance at the impugned order reveals that it has been passed in a mechanical way just taking into consideration the statement of complainant – Darshan Singh (i.e. examination-in-chief only) and the document(s) available on file, even the reference of which, is there in his statement, have not been taken into consideration. There is a reference with regard to the compromise arrived at in between complainant – Darshan Singh and Gurdeep Singh in respect of the allegations levelled in the complaint and the said document has been duly exhibited as Ex.PB. While passing the impugned order, it appears that learned Magistrate has lost sight of the said document.

4. A perusal of document Ex.PB clearly reveals that Pritpal Singh – petitioner has nothing to do with regard to the amount in question. Similarly, learned counsel for co-accused of the present petitioner has nothing to do with the application moved under Section

319 Cr.P.C., who is stated to have furnished no objection during the course of arguments.

5. Application under Section 319 Cr.P.C. moved by the complainant is nothing but an abuse of process of law, as such, impugned order dated June 4, 2014 (Annexure P-5) is set aside by way of acceptance of the instant petition. Consequently, FIR No.162 dated September 10, 2012 under Section 420 IPC, registered at Police Station, Moga City (Annexure P-3) is quashed qua the present petitioner.

January 27, 2016
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(Jaspal Singh)
Judge