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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM No. M-7182 of 2016 (O/M)
Date of decision : 27.2.2016

M/s Sahajanand Medical Technologies Pvt. Ltd. and others
..... Petitioners

Versus

State of Punjab and another
.....Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Parshotam Lal Singla, Advocate,
for the petitioners.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
 2. To be referred to the Reporter or not.
 3. Whether the judgment should be reported in the digest ?
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KULDIP SINGH J. (ORAL)

The petitioner has filed the present petition under Section 482 Cr.P.C. for quashing of complaint No. COMI/504 of 2015, dated 11.6.2015, pending in the Court of learned Judicial Magistrate 1st Class, Ludhiana, under Sections 420, 403, 406, 467, 468, 323, 506, 34 IPC (Annexure-P-1). Also impugned in the present petition is the order dated 12.10.2015 (Annexure-P-2), vide which the petitioner has been summoned to face trial for the offence punishable under Sections 406, 420, 467, 468, 506, 34 IPC by the learned Judicial Magistrate 1st Class, Ludhiana.

The learned counsel for the petitioners relies upon the

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authority of the Hon'ble Supreme Court in Dhariwal Tobacco Products Limited and others Versus State of Maharashtra and another, 2009

(1) RCR (Criminal) 677, to press that even if the remedy of revision is available, the petition under Section 482 Cr.P.C. could be filed. However, in the later authority in Mohit @ Sonu and another Versus State of U.P. and another, 2013 (3) RCR (Criminal) 673, the Apex Court has taken the view that when the remedy of revision is available, then ordinarily the remedy of petition under Section 482 Cr.P.C. should not be entertained. The present case is not an exceptional case. It is an ordinary case where the accused have been summoned.

It being so, the petitioners are relegated to avail remedy before the Sessions Court, where he can raise all the pleas available with him.

Disposed of.

(KULDIP SINGH)
JUDGE

27.2.2016
sjks