

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

CRM No.M-31174 of 2015 (O&M)

Date of Decision: August 18, 2017

M/s Inderjit Forgings Pvt. Ltd. and another

...Petitioners

VERSUS

M/s Kapoor Alloys and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Manish Jain, Advocate,
for the petitioners.

None for the respondents.

INDERJIT SINGH, J.

The petitioners have filed this petition under Section 482 Cr.P.C. against the respondents for quashing the order dated 03.04.2013 passed by learned JMIC, Ludhiana, vide which the petitioners were summoned and for quashing the criminal complaint titled as 'Kapoor Alloys and another vs. M/s Inderjit Forgings Pvt. Ltd & Ors.'.

Notice of motion was issued. None appeared on behalf of the respondents despite service.

I have heard learned counsel for the petitioner and have gone through the record.

At the time of arguments, learned counsel for the petitioner admitted that no revision has been filed against the summoning order. After the appearance of the present petitioner, notice of accusation was served

upon him and after that by taking cognizance, the Court has also got recorded statement of the complainant. Learned counsel for the petitioner argued that this complaint is liable to be quashed as Narinder Kapoor, complainant is not partner in the firm and he cannot file the complaint as is clear from his statement made in the Court.

From the record, I find that the evidence of the complainant is yet to be concluded. Otherwise also, in the quashing petition, at this stage, this Court is not to appreciate evidence for the purpose of acquittal or conviction. It is, first the duty of the trial Court to appreciate the evidence and then to give the findings. As already discussed, learned trial Court has already taken the cognizance and the evidence of the complainant is going on and is not yet concluded, therefore, only on the basis of the cross-examination of one CW, the present complaint cannot be quashed. No ground is made for quashing the complaint in question.

Therefore, finding no merit in the present petition, the same is dismissed.

August 18, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No