

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

**CRM-M-33737-2016
Decided on: 01.08.2017**

Abdul Rajjak

.... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present: Mr. Satish Chaudhary, Advocate,
for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

H.S. MADAAN, J (ORAL)

The petitioner is aggrieved by order dated 11.08.2015 (Annexure P-1) vide which Judicial Magistrate 1st Class, Ferozepur Jhirka, Mewat while allowing application under Section 319 Cr.P.C. had summoned him and Ajhar to face trial under Sections 323, 325, 506 and 34 IPC alongwith accused already facing trial.

The present petitioner Abdul Rajjak alongwith Azhar, the other person summoned under Section 319 Cr.P.C., had filed a revision petition before the Court of Sessions, which was dismissed by Additional Sessions Judge, Mewat vide order dated 08.07.2016 (Annexure P-2). He then approached this Court by way of filing the petition under Section 482 Cr.P.C. for quashing the summoning order. Notice of the same was issued to the State.

I have heard learned counsel for the petitioners, learned State counsel, besides going through the record.

The petitioner has already availed of the remedy of challenging the impugned order by way of filing the revision petition, as such the petition in hand cannot be allowed to proceed, since that would amount to misuse of process of law. The petitioner should appear in the trial Court and then he can apprise the Court of his version.

In view of the facts, the present petition is disposed of directing the petitioner to appear in the Trial Court where he can take all the pleas available to him under law.

(H.S. MADAAN)
JUDGE

01.08.2017
Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No