

118.

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

CRM-M-38348-2017

Date of decision:28.11.2017.

NARENDER AND ANR

... Petitioners

versus

ARVIND KUMAR

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Pardeep Singh Poonia, Advocate,
for the petitioners.

Mr. Vivek Suri, Advocate,
for the respondent.

HARI PAL VERMA, J. (Oral

Prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of criminal complaint No.COMI-167 dated 10.11.2015 titled as 'Arvind Kumar Versus Som Veer and others' under Sections 392, 406, 420, 467, 468, 471, 506, 323, 148, 149 read with Section 34 and 120-B IPC (Annexure P-8) and summoning order dated 15.04.2017 (Annexure P-10) passed by learned Judicial Magistrate Ist Class, Panchkula whereby in the aforesaid complaint, the petitioners have been summoned to face trial for offence under Sections 323, 395, 148, 149, 506, 120-B IPC.

The order dated 15.04.2017 passed by learned Magistrate is subject to revision petition and, therefore, faced with this situation, learned counsel for the petitioners does not press this petition and seeks

withdrawal of the same at this stage, however, with liberty to file a

revision petition. He further states that the petitioners may be granted liberty to plead all possible pleas as available to them including the pleas taken herein also.

Mr. Vivek Suri, learned counsel appearing on behalf of respondent states that the petitioners should have availed the remedy of revision before approaching this Court in a petition under Section 482 Cr.P.C. He further states that the petitioners can take all the pleas as available to them under law before the revisionary court.

In view of the fact that the petitioners have a remedy to file a revision petition, learned counsel for the petitioners is permitted to withdraw the present petition. Petitioners are at liberty to take all possible pleas as available to them under law including the pleas taken in the present petition.

Mr. Poonia, learned counsel for the petitioners states that he would file a revision petition within a week from today and till then no coercive action may be initiated against the petitioners. If such like revision petition is filed within a week from today, the plea of limitation shall not come in his way. However, for a period of one week, no coercive action be initiated against the petitioners enabling them to file the revision petition.

Dismissed as withdrawn with liberty aforesaid.

(HARI PAL VERMA)
JUDGE

28.11.2017

sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.

Yes/No.