

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

**CRM-M-42441-2016
Date of decision: 16.02.2017**

Punita Soni

...Petitioner

Versus

Brijesh Verma

...Respondent

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Adish Gupta, Advocate,
for the petitioner.

Ritu Bahri, J.

This petition under Section 482 Cr.P.C. is for quashing of the order dated 03.08.2016 (Annexure P-2) passed by the Judicial Magistrate Ist Class, Faridabad, whereby complaint (Annexure P-1) filed by the petitioner under Sections 323, 354 and 506 IPC has been dismissed for non prosecution.

Learned counsel for the petitioner states that complaint (Annexure P-1) was fixed for 03.08.2016 before the trial Court, however, by mistake, the complainant-petitioner had noted the date as 30.08.2016, therefore, she could not appear before the Court on the date fixed i.e. 03.08.2016. Due to none appearance of the complainant, the trial Court, vide impugned order dated 03.08.2016, dismissed the complaint in default.

In the given circumstances of the case, to impart complete justice to the parties and also to avoid deprivation of full opportunity to the petitioner (complainant), I deem it appropriate to provide some more time to the petitioner to pursue her case by leading evidence.

Resultantly, the impugned order dated 03.08.2016 (Annexure P-2) is set aside and the criminal complaint (Annexure P-1) is restored to its original number subject to the condition that petitioner will deposit costs of Rs.3000/- with the District Legal Service Authority, Faridabad.

Allowed accordingly.

16.02.2017
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No