

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

**CRM No.M-43294 of 2017
Date of decision: 27.11.2017**

Naresh Kumar @ Naresh Sangri

....Petitioner

Versus

Munish Madhav Prasher

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. D.V. Sharma, Sr. Advocate
with Ms. Shivani Sharma, Advocate for the petitioner.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for quashing the criminal complaint No.10770 dated 12.10.2017 titled as Munish Madhav Prasher vs Naresh Kumar @ Naresh Sangri filed under Section 200 of the Code of Criminal Procedure (in short 'Cr.P.C.') for offence punishable under Section 420 of the Indian Penal Code (in short 'IPC') read with Section 12 of the Passport Act, 1967 and further proceedings pending before the trial Court.

Learned Senior Counsel for the petitioner has submitted that the respondent/complainant is the brother-in-law of the petitioner and he has a matrimonial discord with his wife and sister of the petitioner and on that account, he is habitual of filing repeated complaints. Learned Senior Counsel has further further submitted that on an earlier occasion, the respondent/complainant has filed a criminal complaint No.439 of 2017 with similar prayer and the petitioner has filed CRM-M No.36714 of 2017 praying for quashing of the complaint and further proceedings in that complaint. Vide order dated 28.09.2017, this Court issued notice of motion for 06.12.2017 and in the meantime, the trial Court was directed to adjourn the case beyond the date fixed before this Court.

Learned Senior Counsel has further submitted that later on the complainant has withdrawn the criminal complaint No.439 of 2017 on 04.10.2017 on coming to know that the proceedings have been

stayed. Again the complainant has filed the impugned complaint on 12.10.2017 with similar allegations and for summoning the same witnesses as under the garb of this complaint, the respondent/complainant want to obtain certain personal information of the petitioner which he want to use in his matrimonial dispute.

Learned Senior Counsel has further argued that the respondent has also filed a civil suit No.615 of 2016 against the petitioner for recovery of Rs.1,000/- as damages and the said suit was dismissed on 11.10.2017 and on the very next date, the impugned complaint has been filed.

Since, at this stage, no summoning order has been passed, it would be appropriate to relegate the petitioner to approach the trial Court for moving an application within a period of 07 days from today giving all the details and the trial Court will pass an appropriate order on the application, so moved by the petitioner. Till the decision of the application filed by the petitioner, the trial Court will not proceed further.

In view of the observations made hereinbefore, the petition stands disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

27.11.2017
yakub

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No