

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

CWP No. 26473 of 2017

Date of decision : November 20, 2017

Dr. SK Kapoor

..... Petitioner

v.

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Avijit Singh, Advocate
for the petitioner.

Ajay Tewari, J (Oral)

In this writ petition filed under Article 226 of the Constitution of India, the following prayers have been made :-

“ a) The trial Court record of the case under reference FIR No.65 dated 31.1.1998 of Police Station Civil Lines Rohtak may kindly be summoned and the petitioner exempted for filing the certified copies of the annexures.

b) Allow the present petition and to adjudicate the revision petition CRM No.M-8452 of 2017 (O&M) titled Dr. S.K Kapoor vs State of Haryana and another, on its merits, and to set aside the order dated 17.9.2016 and 26.9.2016 on the application under section 193 Cr.P.C of the petitioner, and

c) To order summoning of the named accused Shri B.P Jindal, Shri Anil Kumar and Shri A.S Chawla, named accused for their trial along with accused Kanwar Singh in session case of FIR No.65 dated 31.1.1998 of Police Station Civil Lines Rohtak.

d) Any other further orders, this Hon'ble Court may deem fit and proper for furtherance of interest of justice may kindly be also passed.”

It is not disputed that in case FIR No.65 mentioned above, the

petitioner had moved an application under Section 193 Cr.P.C for summoning Shri B.P Jindal the then District Judge Rohtak, Shri Anil Kumar the then District Magistrate Rohtak and Sh. AS Chawla the then SSP Rohtak to face trial. The said application having been rejected on 17.9.2016, the petitioner filed CRM-M No.8452 of 2017 under Section 482 of the Cr.P.C challenging the order dated 17.9.2016. That petition was dismissed in limine on 5.5.2017. In my considered opinion, the present writ petition is not maintainable. The petitioner, if so advised, may challenge the order dated 5.5.2017 before the Supreme Court. Consequently, this petition is dismissed.

Since the main case has been decided, the pending C.Ms, if any, also stand disposed of.

November 20, 2017
'kk'

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No