

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

134

CRM-M NO.14543 OF 2018

DATE OF DECISION: APRIL 06, 2018

Sukumar Sahu

.....Petitioner

VERSUS

Rajbir and another

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

Present: Ms. Sushmita Mahala, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petition under Section 482 Cr.P.C. has been preferred by the petitioner with a prayer for quashing Criminal Complaint No.14/2016 dated 20.05.2014/25.04.2016 registered under Sections 420, 406, 467, 468, 471, 506 IPC titled as `Rajbir Vs. Sukumar Shahu and another (Annexure P-1) pending in the Court of Judicial Magistrate Ist Class, Panipat and the summoning order dated 09.06.2017 (Annexure P-3), whereby the petitioner has been ordered to be summoned to face trial under Sections 420, 406, 467, 468, 471 IPC.

It is the contention of learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. Assertion has been made that the complaint is bereft of details and, therefore, the offence is not made out. She, while pointing out certain shortcomings, which are alleged to be present in the complaint, contends that the complaint has been

preferred by the respondent with a malafide intention to grab money from the petitioner. It is asserted that the petitioner is alleged to have issued fake tickets, the detail of which is not mentioned. At one place, it is mentioned that the tickets were sent through e-mail by the petitioner to the respondent-complainant whereas on the other hand, it is asserted that the petitioner had been visiting the respondent. The way it has been asserted that the tickets have been found to be fake, the same cannot be accepted. That apart, the details with regard to the losses and the buying of fresh tickets are mere assertions as the numbers and dates are missing with regard to purchase of tickets. On this basis, the complaint has been challenged.

As regard the summoning order, the same has been challenged on the ground that the Magistrate has not applied its mind and issued notice in a mechanical manner and contrary to the provisions of the statute.

I have considered the averments made by counsel for the petitioner and with her assistance have gone through the pleadings and documents which have been placed on record.

The assertions of the counsel with regard to details being missing cannot be accepted, when seen from the complaint as also the summoning order, which are based upon not only the pleaded facts in complaint and statements of the witnesses but also the documents, which include the bank receipts, tickets, postal receipts etc. Whatever pleas are being sought to be taken would require evidence to be led by the petitioner before the trial Court in his defence after his appearance before the Court. A perusal of the impugned order would show that the petitioner had not responded to the notice given to him by the Enquiry Officer under Section 202 Cr.P.C. Not only this, the petitioner is not appearing before the trial

Court despite issuance of non-bailable warrants against him, although his counsel had been appearing in Court. He has even not moved an application for grant of regular bail as mandated.

In the light of the above facts and circumstances, this Court does not find any illegality in the summoning order as has been passed by the trial Court nor is the challenge to the complaint sustainable. The present petition, being devoid of merit, stands dismissed.

April 06, 2018
khurmi

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No