

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.125

CRM-M-18603-2018

Date of decision : 03.05.2018

Isse Khan

..... Petitioner

VERSUS

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. B.K. Majoka, Advocate, for the petitioner.

SUDHIR MITTAL, J. (Oral)

The petitioner seeks quashing of order dated 15.05.2017 (Annexure P-4), whereby the Addl. Sessions Judge, Nuh, has allowed the revision petition filed by respondent No.2 and has set aside the summoning order dated 30.09.2016 passed by the Judicial Magistrate First Class, Mewat. However, a direction was given to the learned trial Court to proceed further in accordance with law. Thereafter, the trial Court has dismissed the complaint filed by the petitioner vide order dated 07.09.2017 (Annexure P-5), which is also under challenge.

The petitioner filed a complaint under Sections 166, 167, 218, 467, 468, 471, 506 and 34 IPC against the private respondents. As per the contents of this complaint, respondent No.2 refused to sanction leave sought by the petitioner. Yet, the petitioner took leave on that day. He was recalled for duty by respondent No.2 after contacting him on his mobile phone, but the petitioner refused to do so. Allegations of demand of illegal gratification have also been made against the respondents.

Vide order dated 30.09.2016 (Annexure P-2), learned trial Court had summoned respondent No.2 only. The said respondent challenged order dated 30.09.2016 (Annexure P-2) vide a revision petition

and the same was allowed by the Addl. Sessions Judge, Mewat, vide order dated 15.05.2017 (Annexure P-4). It was found that the attendance register for the month May, 2015, had been misread by the trial Court and further, that the reading of the complaint itself, did not make out a case under any of the provisions of the Indian Penal Code, 1860, mentioned in the complaint. Order dated 07.09.2017 (Annexure P-5), is a consequent formal order passed by the trial Court.

Learned counsel for the petitioner has not been able to show any error in order dated 15.05.2017 (Annexure P-4). The attendance register of May, 2015, has been placed on record as Annexure P-6 and there is no cutting or over-writing in the same as has been observed by the learned revisional Court. Learned counsel has also failed to show how the allegations made in the complaint, amount to an offence under any of the provisions of the Indian Penal Code, 1860, mentioned in the complaint.

Thus, there is no error in the impugned orders and no interference is called for.

Accordingly, the petition is dismissed.

(SUDHIR MITTAL)
JUDGE

03.05.2018

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No