

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

112

CRM-M-25830-2018

Date of Decision: July 04, 2018

Rajesh Kumar Bharti

.....Petitioner(s)

versus

State of Haryana and others

.....Respondent(s)

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Ms. Sunita Punia, Advocate for the petitioners.

Sudhir Mittal, J. (Oral)

The petitioner prays for issuance of direction to respondents No.1 and 2 to grant permission to respondent No.3 to register an FIR against some Doctors whose names are mentioned in the head note of the petition. The allegation against them is that they colluded with one Ashok son of Om Parkash, to give a false medical report that the said person had suffered a hip fracture. The case is of the year 2003. The petitioner had approached the Police for registration of an FIR but the same was not registered and therefore, the petitioner had filed an application under section 156 (3) Cr. P.C., pursuant to which FIR No.18 dated 17.08.2005 was registered. The accused persons filed a revision petition challenging the order dated 05.05.2005 vide which direction was issued for registration of an FIR but the same was dismissed by the then Additional Sessions Judge, Rohtak vide order dated 06.01.2007. Thereafter, a quashing petition was filed in the Court viz. **CRM-M-15191-2007** . The same was allowed and FIR was quashed vide order dated 16.01.2008.

Learned counsel for the petitioner contends that the petitioner could not challenge the aforementioned order of the Hon'ble High Court as the complainant

was never served and they came to know about the passing of the order belatedly.

I cannot accept this argument as an application for recalling order dated 06.01.2008 could have been made by pleading the factum of belated knowledge of passing of the said order and that the petitioner was not served in the said case. Ten years after the FIR has been quashed, no direction can be issued for registration of fresh FIR on the same facts. Moreover, the alleged accused have not been made a party in this petition.

In view of the above, the petition is misconceived and is accordingly dismissed.

July 04, 2018
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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No