

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

Crl. Misc. No.M-27642 of 2015

Date of Decision:- 13.08.2018

Pala Ram

....Petitioner

vs.

Taani and others

....Respondents

BEFORE :- HON'BLE MR. JUSTICE SUDHIR MITTAL

Present:- Ms. Sumanjit Kaur, Advocate,
for the petitioner.

Mr. J.S. Saneta, Advocate,
for respondent No.1.

Sudhir Mittal, J. (Oral)

This is a petition filed under Section 482 Cr.P.C. for quashing of order dated 03.06.2015 (Annexure P-4) passed by the learned Additional Sessions Judge, Panipat whereby the revision preferred by the respondent has been allowed and order dated 02.02.2012 (Annexure P-3) whereby complaint qua the petitioner was dismissed, has been set aside.

Respondent No.1 filed a complaint against the petitioner and respondents No. 2 to 11 under Sections 323, 506, 427, 380, 459, 463, 148, 149 IPC. The learned trial Court sought a report under Section 202 Cr.P.C. and report dated 4.6.2010 was submitted. After perusal of the said report, the trial Court summoned only respondents No. 8 and 9.

Aggrieved by the aforementioned order, respondent No.1 preferred a revision petition before the learned Additional Sessions Judge, Panipat, who allowed the same vide his order dated 3.6.2015 and remanded the case to the trial Court for a fresh decision in accordance with law.

Learned counsel for the petitioner submits that the impugned order dated 3.6.2015 was passed without hearing the petitioner and, therefore, the same is liable to be set aside.

Learned counsel appearing for respondent No.1 submits that before the petitioner approached this Court, he had already been summoned by the trial Court vide order dated 1.8.2015 and, therefore, the remedy of the petitioner for challenging the said order by way of revision petition lies before the Sessions Court.

A perusal of the record shows that the present petition is dated 17.8.2015. By then, the order dated 3.6.2015 impugned in the present quashing petition had already been complied with and, thus, the petition had been rendered infructuous so far as challenge to order dated 3.6.2015 is concerned. The petitioner was, however, at liberty to challenge order dated 1.8.2015 before the Sessions Court, that being the appropriate forum in the first instance.

In view of the above, the present quashing petition is dismissed with liberty to the petitioner to challenge order dated 1.8.2015 before the Sessions Court. The provisions of Section 14 of the Limitation Act, 1963 shall come to the aid of the petitioner so far as the bar of limitation is concerned.

August 13, 2018
poonam

(SUDHIR MITTAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No