

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

**Criminal Misc. No.M-36880 of 2013 (O&M)
Date of Decision: July 16, 2018**

Vipan Bakshi

.....PETITIONER(s).

VERSUS

State of Punjab and another

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. R.S. Rai, Senior Advocate with
Ms. Amanpreet Kaur Sabharwal, Advocate
for the petitioner (s).

Mr. Ramandeep Sandhu, Sr. D.A.G., Punjab.

SURINDER GUPTA, J.

This is petition seeking quashing of criminal complaint dated 08.03.2010 (Annexure P/1) titled *Onkar Nath Sharma Vs. Vipan Bakshi and others* pending in the Court of learned Judicial Magistrate 1st Class, Mukerian, summoning order dated 14.06.2010 (Annexure P/2) passed by learned Sub Divisional Judicial Magistrate, Dasuya and order dated 03.01.2013 (Annexure P/3) passed by learned Judicial Magistrate 1st Class, Mukerian, along with all consequential proceedings.

In the complaint filed by respondent No.2, petitioner along with his co-accused was ordered to be charge-sheeted for the offences punishable under Sections 323, 379, 506 read with Section 34 of Indian Penal Code (for short-IPC). Complainant filed revision and learned Additional Sessions Judge, Hoshiarpur vide order dated 15.07.2014 held that a prima facie case

for the offence punishable under Sections 324, 447 and 452 IPC is also made out and issued directions to the trial Court to amend the charge-sheet and frame the charges for the offences punishable under Sections 324, 447 and 452 IPC along with Sections 323, 379, 506 read with Section 34 IPC for which the petitioner and other co-accused have already been charge-sheeted.

Learned counsel for the petitioner has argued that learned Additional Sessions Judge while giving direction to the trial Court to amend the charge-sheet, has exceeded his powers. He could give direction to the trial Court to look into the record of the case and find if offences punishable under Sections 324, 447 and 452 IPC are made out and amend charge-sheet accordingly.

Learned State counsel has no objection to the submission of learned counsel for the petitioner.

The other relief sought in this petition seeking quashing of complaint, summoning order dated 14.06.2010 and order dated 03.01.2013 along with consequential proceedings, has not been pressed by learned counsel for the petitioner.

In view of the above, this petition is allowed to the extent that the trial Court will reconsider the evidence on record, observation of learned Additional Sessions Judge to find if the charges for the offence punishable under Sections 324, 447 and 452 IPC are made out against the petitioner and other co-accused and proceed further in the matter in accordance with law.

July 16, 2018
Sachin M.

(SURINDER GUPTA)
JUDGE