

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

CRM-M-47619-2017

Date of decision:-17.1.2018

Mahavir

...Petitioner

Versus

Nand Kishor

...Respondent

CORAM : HON'BLE MR. JUSTICE H.S. MADAAN

Present : Mr.R.S. Hooda, Advocate
for the petitioner.

H.S. MADAAN, J.

By way of filing the present petition, the petitioner – Mahavir, who has been summoned to face trial for the offence under Section 420 IPC as an accused in Criminal Complaint No.30 of 3.9.2012 filed by Nand Kishor – complainant for the offences under Sections 419, 420, 467, 468, 471 and 120-B IPC pending in the Court of Judicial Magistrate Ist Class, Hodal, seeks quashing of the said criminal complaint along with order dated 1.11.2017 passed by learned Additional Sessions Judge, Palwal dismissing criminal revision petition against summoning order dated 2.3.2017 passed by the trial Magistrate as well as summoning order.

I have heard learned counsel for the petitioner besides going through the record and I do not find any reason to allow the

petition.

The trial Magistrate vide detailed order discussing the evidence brought on file by the complainant, the legal position on the subject by giving reasons has ordered summoning of accused to face trial for the commission of offence under Section 420 IPC only. The accused had challenged that order by way of filing revision petition but that was dismissed by learned Additional Sessions Judge, Palwal by giving cogent and convincing reasons.

The main ground of attack of petitioner is that since a civil suit is pending in which the legality and validity of agreement to sell would be determined, the complainant could not have filed the present complaint and accused could not have been summoned by the Court in that way. This contention to say the least is misconceived. Civil action and criminal action can go hand in hand. Pendency of one does not bar initiation of the other. The yardsticks for adjudication of proceedings for criminal side and civil side are different. Therefore, merely because of the reason that civil proceedings are pending, the criminal complaint, the summoning order passed by the trial Magistrate and order passed by Additional Sessions Judge, Palwal dismissing the revision petition challenging the summoning order cannot be set aside.

The petition being without merit stands dismissed accordingly.

(H.S.MADAAN)
JUDGE

17.1.2018
Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No