

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-9309-2015

Date of decision: 27.11.2018

Shalini

..... Petitioner

Versus

Bhim Sain Aggarwal

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Gautam Dutt, Advocate for the petitioner.

Mr. SS Narula, Advocate for the respondent.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 482 Cr.P.C., prayer has been made for quashing Complaint No. 6/2014 dated 17.01.2014 (Annexure P-3), titled as “Bhim Sain Aggarwal Vs. Shalini” and summoning order dated 15.12.2014 (Annexure P-4) of the trial Court, whereby the petitioner was summoned under Section 467 IPC, as the same do not disclose the commission of criminal offence.

Heard.

Learned counsel for both the parties are *ad idem* that the allegations levelled against the petitioner by the respondent in the subsequent complaint (Annexure P-3) are akin to the earlier complaint filed by him against 9 accused persons. Therefore, best course for the respondent would be to move an application under Section 319 Cr.P.C.,

to summon the petitioner as an additional accused, instead of continuing with the subsequent complaint to which challenge has been laid in the instant petition.

Considering this aspect of the matter, respondent is directed to withdraw his complaint (Annexure P-3) against the petitioner, with liberty to move application under Section 319 Cr.P.C., to summon the petitioner as an additional accused in the earlier complaint, which shall be decided by the trial Court on merits.

The instant petition stands disposed of, accordingly.

November 27, 2018
rishu

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No