

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Letters Patent Appeal No. 391 of 2018 (O&M) in
CWP No. 3065 of 2018
Date of decision: 16.3.2018

Rajiv Dadlani

.. Appellant

v.

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE B. S. WALIA

Present: Mr. Amit Prasad and Mr. Alok Kumar Jain, Advocates
for the appellant.

...

Rajesh Bindal J.

The order passed by the learned Single Judge dated 9.2.2018 dismissing the writ petition has been impugned by filing the present intra-court appeal.

The prayer in the writ petition was for quashing of the notice issued to the appellant under Section 41A Cr.P.C. The proceedings were initiated against the appellant in pursuance to a complaint made against number of persons by the aggrieved parties raising the plea of fraud. The matter is being investigated. It is in that process that notice under Section 41A Cr.P.C. was issued to the appellant.

Considering the judgment of Hon'ble the Supreme Court in Ram Kishan Fauji v. State of Haryana and others, (2017) 5 SCC 533 and finding that the matter pertains to the criminal jurisdiction as after

investigation, the complaint could result in registration of FIR and subsequently trial, we find that the present intra-court appeal is not maintainable, hence, the same is dismissed as not maintainable.

(Rajesh Bindal)
Judge

16.3.2018
mk

(B. S. Walia)
Judge

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No