

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.201

CRM-M-16218 of 2015

DECIDED ON: January 22, 2019

BALRAJ SINGH

..PETITIONER

VERSUS

STATE OF PUNJAB AND ANR

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Ashok Kumar Khunger, Advocate, for the petitioner.

Mr. APS Gill, AAG, Punjab.

Mr. N.K. Manchanda, Advocate, for respondent No.2.

SUDHIR MITTAL, J. (ORAL)

The petitioner seeks quashing of Criminal Complaint No.RT 141, dated 06.06.2012/17.09.2013 titled as ***Lakhvir Singh vs. Tarsem Singh & ors.***, under Sections 323, 452, 380, 427, 392, 506, 34 IPC (P-1) along with summoning order dated 25.01.2014, pending in the Court of learned JMIC, Faridkot (P-2) and judgment dated 23.12.2014 (P-6), passed by learned Sessions Judge, Faridkot, whereby his revision petition was dismissed.

Learned counsel for the petitioner submits that the complaint has been withdrawn against the co-accused and is being pressed only against the petitioner. The petitioner is a Head Constable in Punjab Police and on the date of the incident i.e. 24.03.2011, he was present at

CRM-M-16218 of 2015

High Court as is evident from order the dated 24.03.2011 passed in CRM-M-37556-2010 titled as ***Harpreet Kaur vs. State of Punjab*** (P-5).

Learned counsel for the complainant submits that the complaint is being pressed against the petitioner as well as one more person. Regarding the order dated 24.03.2011 (P-5), it is stated that whether the petitioner was present before the High Court or not, is a matter of evidence and can be decided only during their trial. Thus, there is no ground for quashing of the complaint.

The order dated 24.03.2011 (P-5), makes it abundantly clear that on the date of the alleged incident i.e. 24.03.2011, the petitioner was present before this Court in CRM-M-37556 of 2010 (P-5). Thus, the filing of the Criminal Complaint No.RT 141, dated 06.06.2012/17.09.2013 and passing of summoning order dated 25.01.2014 (P-2) by learned JMIC, Faridkot (P-2) against the petitioner, is an abuse of the process of the criminal law.

Accordingly, the petition is allowed; Criminal Complaint No.RT 141, dated 06.06.2012/17.09.2013 titled as ***Lakhvir Singh vs. Tarsem Singh & ors.*** under Sections 323, 452, 380, 427, 392, 506, 34 IPC (P-1) along with summoning order dated 25.01.2014, passed by learned JMIC, Faridkot (P-2) and the judgment dated 23.12.2014 (P-6) passed by learned Sessions Judge, Faridkot, whereby revision of the petitioner was dismissed, are thus quashed, qua the petitioner.

January 22, 2019

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No