

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

CRM-M-18963-2018

Date of Decision:21.11.2019

Sumit Sondhi and another

...Petitioners

Versus

State of Punjab and another

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.P.S.Dhanoa, Advocate for
Mr.B.S.Sodhi, Advocate for the petitioners.
Mr.SPS Tinna, Addl. Advocate General, Punjab.

ANIL KSHETARPAL, J.

In spite of service of notice, respondent No.2 has not come present.

Respondent No.2 along with his wife Nancy Sondhi had filed a CRM-M-34784-2015 claiming that they have solemnized marriage against the wishes of their parents and Sumit Sondhi (petitioner No.1 herein) has lodged FIR No.219 dated 03.08.2015 for offences punishable under Section 365 and 368 IPC with the allegation that his daughter namely Nancy Sondhi has been abducted by Ravi Sharma. In those proceedings, Sumit Sondhi appeared through his counsel. The court permitted him to meet his daughter and thereafter, he, on being satisfied that there is no abduction, assured the court that he and his family members would not interfere in the matrimonial life of the petitioner.

Petitioners in the aforesaid petition namely Nancy Sodhi and Ravi Sharma through their counsel also made a statement that they are willing to let bygones be bygones and would withdraw their allegations

against Sumit Sondhi in FIR No.170 dated 05.10.2015. The exact statement of learned counsel is extracted as under:-

“In view of said developments, learned counsel for the petitioner submits that the petitioners are willing to let bygones be bygones and therefore, would withdraw their allegations against Shri Sumit Sondhi and others in case FIR No.170 dated 05.10.2015, registered at Police Station Daaba, Ludhiana.”

The present petition has been filed by Sumit Sondhi and his son Pankaj Sondhi seeking quashing of summoning order dated 11.07.2017 and order dated 02.01.2018, dismissing their revision petition in FIR No.170 dated 6.10.2015. In this FIR, first informant is Ravi Sondhi.

On 07.05.2018 after noticing the contention of learned counsel for the petitioners, following order was passed:-

“Learned counsel submits that despite the order dated October 29, 2015, passed by a coordinate Bench in CRM-M-34784 of 2015, recording to the effect that respondent no.2 herein (along with the daughter of petitioner no.1 herein, i.e. Nancy Sondhi, who were petitioners in that petition), would let bygones and withdraw their allegations against the present petitioners, as contained in FIR no.170 dated 01.10.2015, registered at Police Station Daaba, District Ludhiana, the said FIR was not withdrawn, leading to the impugned summoning order being passed.

As regards FIR no.219 dated 03.08.2015, which is also referred to in the aforesaid order, that was got registered at the instance of the first petitioner herein, against respondent no.2 and his wife, (i.e. the daughter of the first petitioner), in which a cancellation report is stated to have been submitted to the competent court, by the investigating agency.

In the aforesaid circumstances, with a statement having been made before this Court, as is recorded in the order dated

29.10.2015, let notice of motion be issued to the respondents, returnable on 02.08.2018.

In the meanwhile, further proceedings against the petitioners shall remain stayed till the next date of hearing only at this stage”.

As noticed above, in spite of service of notice, respondent No.2 has not chosen to contest the petition. FIR No.170 dated 05.10.2015 has been registered under Section 452, 323, 324, 427, 506, 201, 148 and 149 IPC at Police Station Daaba, District Ludhiana.

The allegations are that the accused persons namely Sumit Sondhi and Pankaj Sondhi, father and brother of Nancy Sondhi, have trespassed in their residential and commercial property and raised lalkara (exhorted).

Keeping in view the facts of the case, this Court is of the considered opinion that continuation of criminal proceedings against the petitioner shall not be justified, hence, the order of summoning passed under Section 319 of the Code of Criminal Procedure by the Magistrate against the petitioners is quashed. The present petition is allowed. Pending application(s), if any, shall also stand disposed of, in terms thereof.

21.11.2019
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No