

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

CRM-M-39252-2017

DATE OF DECISION:-06.03.2019

GURMIT KAUR AND ANR.

...PETITIONERS...

V.

**HARBANT SINGH @ HARMANT SINGH
AND ANR.**

...RESPONDENTS...

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. D. Khanna, Advocate for the petitioner.

None for respondent No.1.

Mr. Harpreet Multani, AAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 482 Cr.P.C. challenge has been laid to order dated 04.09.2017 (P-5), whereby the trial court has clubbed together State case as well as private complaint of respondent No.1 against the petitioners invoking provisions under Section 210 Cr.P.C.

Learned counsel for the petitioner contends that police has submitted final report under Section 173(2) Cr.P.C. in the complaint of respondent No.1, much prior to filing of complaint by him against the petitioner. Therefore, both of them could not be club together, invoking provisions of Section 210 Cr.P.C.

The above arguments of learned counsel for the petitioner is

completely misconceived and unknown to law, inasmuch as, sub-clause 2 of Section 210 Cr.P.C. unambiguously envisages that if, a report is submitted by investigating officer under Section 173 (2) Cr.P.C. and cognizance is taken by the Magistrate on such report, against any person, who is an accused in a complaint case, the Magistrate shall inquire into or try together the complaint case and the case arising out of the police report as if both the cases were instituted on a police report.

Sub Clause (2) of Section 210 Cr.P.C. is reproduced as under for ready reference:

"If a report is made by the investigating police officer under Section 173 and on such report cognizance of any offence is taken by the Magistrate against any person who is an accused in the complaint case, the Magistrate shall inquire into or try together the complaint case and the case arising out of the police report as if both the cases were instituted on a police report".

Hence, finding no merit in the petition. Dismissed.

06.03.2019

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(RAMENDRA JAIN)
JUDGE

whether speaking/reasoned:

Yes/No

whether reportable:

Yes/No