

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRR No.3386 of 2016 (O&M)

Date of decision: 22.05.2019

Ranbir Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Rajiv Joshi, Advocate
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

Mr. S.K. Bansal, Advocate
for respondent No.2.

ANIL KSHETARPAL, J. (ORAL)

Challenge is to the order passed by learned Judicial Magistrate rejecting the prayer of the petitioner for deciding the criminal complaint titled as 'Ranbir Singh Vs. Balwant Singh' along with criminal case arising from an FIR. It has been noticed by the learned Judicial Magistrate that in the case initiated on the basis of FIR, the prosecution evidence has been completed whereas in the complaint case, there is no order summoning the accused and therefore, cognizance has not been taken.

Learned counsel for the petitioner submits that as per provisions of Section 210 of Code of Criminal Procedure, 1973, it is mandatory for the Court to try both i.e. criminal case arising from the FIR and a complaint case together. He submits that in the present case, the Court has erred in dismissing the application. Learned counsel relies upon

a judgment passed by the Hon'ble Supreme Court in the case of Nathi Lal and others Vs. State of U.P. and another, 1990(Supplement) SCC 145.

This Court has considered the submission, however, find no substance therein. The object behind Section 210 is to avoid any contradictory judgments and decide the cases arising from complaint and instituted by the police together. However, in the present case, cognizance in the complaint case is yet to be taken by the Magistrate. Still further, the case instituted on the basis of FIR is at an advanced stage as the prosecution evidence is already over. The reliance placed by learned counsel on the judgment in the case of Nathi Lal and others (supra) is misplaced because that judgment is with reference to cross cases.

Still further, learned trial Court in the facts and circumstances has exercised discretion which is in accordance with law. Still further, the purpose of Section 210 is not to stay or put on hold decision in a case which has already at an advanced stage.

Keeping in view the aforesaid facts, there is no ground to interfere.

The pending miscellaneous applications, if any, shall stand disposed of in view of the above-said judgment.

Hence, the criminal revision petition is dismissed.

22.05.2019
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No