

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-30988 of 2019

DATE OF DECISION: JULY 23, 2019

RAJINDER KAUR

...PETITIONER

VERSUS

DARSHAN SINGH SAHI

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. H.P.S. GHUMAN, ADVOCATE FOR THE PETITIONER.

MANOJ BAJAJ, J.(ORAL)

This petition has been filed under Section 482 Cr.P.C. for quashing the order dated 11.7.2019 (Annexure P-4) passed by the Addl. Sessions Judge, Mohali vide which the complaint filed before the trial Court was restored.

The trial Court proceeded to dismiss the complaint vide order dated 9.4.2013 and against that a revision petition was preferred by the complainant which was allowed on 21.7.2016 (Annexure P-2). Since the revisional Court proceeded to allow the revision petition without hearing the accused, therefore, the petitioner preferred CRM-M-36218 of 2016 to challenge the said order. This Court vide order dated 11.3.2019 (Annexure P-3) proceeded to accept the petition and remanded the case back before the revisional Court to decide it afresh after affording opportunity of hearing to the accused.

This time the revisional Court after hearing the parties has allowed the revision petition and restored the complaint to its original

number.

Learned counsel for the petitioner has contended that there was a delay in filing the petition. However, the argument raised cannot be entertained at this stage, as it was not raised during the previous petition filed before this Court. Also the petitioner never raised any argument regarding maintainability of the revision petition against dismissal of complaint for non-prosecution.

In view of the above, this Court does not find any reason to interfere with the order dated 11.7.2019. The revision fails and it stands dismissed.

July 23, 2019
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No