

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

CRM-M No.52795 of 2019 (O&M)
DATE OF DECISION : 11th DECEMBER, 2019

Kamlesh Kumari

.... Petitioner

Versus

State of Haryana & another

.... Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

* * * *

Present : Mr. Jangvir S. Hooda, Advocate for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

CRM-38987-2019

The application is allowed as prayed for.

CRM-M-52795-2019

The present petition has been filed by the petitioner under Section 482 Cr.P.C. for quashing of order dated 05.12.2019, whereby the Additional Sessions Judge, Palwal has dismissed the revision filed by the petitioner and has upheld the order dated 12.06.2019 passed by Chief Judicial Magistrate, Palwal, whereby the application filed by petitioner under Section 319 Cr.P.C. for summoning of respondent No.2 for commission of offence under Sections 406, 420, 467, 468 & 471 of IPC, was dismissed.

Counsel for the petitioner submits that although the petitioner had levelled specific allegation against the respondent- Raghbir Singh qua his role and participation in the fraud committed with the petitioner, however, the court below has wrongly refused to summon the said person as an additional accused. Therefore, the

grievance of the petitioner has gone unheard. Even the investigating officer had not taken into consideration the entire evidence presented by the petitioner before him. Hence, the challan was not filed against respondent-Raghubir Singh. Although the court below may be acting only on the basis of the challan filed by the police, however, the petitioner has even more documents and other evidence, including eye witnesses, who had accompanied the petitioner when she was shown the plot by the said Raghubir Singh at a particular place. Even subsequently the same thing was given in writing by Raghubir Singh.

In view of the above, the counsel for the petitioner seeks permission to withdraw the present petition, with liberty to avail her alternate remedy of private complaint, in accordance with law, against the said Raghubir Singh.

Dismissed as withdrawn, with liberty as aforesaid.

11th DECEMBER, 2019
‘raj’

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>