

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

**CRM-M-8343-2020
Decided on : 26.02.2020**

Amarjit Sharma and others

. . . Petitioner(s)

Versus

State of Punjab and another

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Harsharan Singh Bajwa, Advocate
for the petitioner(s).

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 482 Cr.P.C., for quashing of order dated 12.12.2019 (Annexure P-3), passed by the learned Judicial Magistrate 1st Class (in short 'JMIC'), Garshankar, District Hoshiarpur, in a complaint Case No. COMA No. 8-2019, dated 20.05.2019, titled as, “Manisha Versus Deepak Kumar & others”, under Sections 12, 18, 19, 20, 22 & 23 of the POCSO Act, 2005, whereby, the right of the petitioners to file their reply was struck off.

It was contended that after the issuance of notice to the petitioners by the learned JMIC, Garshankar, vide order dated 20th May, 2019, the petitioners had put in appearance through their counsel on 09.07.2019. Thereafter, the case was adjourned to 14.08.2019, 19.09.2019, 07.11.2019 and 03.12.2019 for filing the reply of the petitioners. During this period, attempts were being made between the parties to arrive at an amicable settlement, which unfortunately did not fructify. Hence, the failure to file reply by the petitioners was unintentional and on account of the aforementioned circumstances. It was, therefore, submitted that one more opportunity be granted to the petitioners to file their reply, as the

service had not yet been effected *qua* the husband of the complainant and hence, no prejudice would be caused to the opposite party.

Heard.

In the facts and circumstances of the case, the instant petition is allowed subject to payment of ₹ 10,000/- as costs, to be deposited with the District Legal Services Authority within one week from the date of passing of this order. The impugned order dated 12.12.2019 (Annexure P-3), passed by the learned JMIC, Garshankar, is hereby set-aside. The petitioners shall produce the receipt of deposit of ₹ 10,000/- as costs, before the trial Court on the date fixed before it.

(MANJARI NEHRU KAUL)
JUDGE

February 26, 2020

J.Ram

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