

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

CRM-M-42737-2014(O&M)

Date of Decision : 12.3.2020

Munish Gupta

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM:-

HON'BLE MR. JUSTICE H.S. MADAAN

Present:

Mr.Rajesh Gupta, Advocate
for the petitioner.

Rana Harjasdeep Singh, DAG, Punjab.

Mr.Rajeshwar S. Thakur, Advocate
for the complainant.

H.S.MADAAN, J. (ORAL)

By way of filing the present petition, petitioner is challenging the complaint under Section 420 IPC titled 'Manoj Malhotra Versus Munish Gupta' pending in the Court of learned Judicial Magistrate Ist Class, Hoshiarpur and the summoning order passed therein.

The petitioner had the remedy of challenging the summoning order by way of filing revision petition before the Court of Sessions and if successful, the complaint would have got redundant.

Even otherwise, since it is stated that it is fixed for pre-charge evidence, the petitioner has got alternative remedy to raise all the pleas before the trial Court at appropriate stage.

While saying so, I find support from **Arvind Kejriwal**

Versus Amit Sibal and another in Crl.M.C. 5245/2013 and Cr.M.A. Nos.18920-21/2013 decided on 16.1.2014 by Delhi High Court, **Krishna Kumar Variar Vs. Share Shoppe (2010)12 SCC 485, Bhushan Kumar Vs. State (NCT of Delhi), (2012) 5SCC 424** by the Apex Court, **Rajeev Taneja Vs. NCT of Delhi** in Crl.M.C. No.4733/2013 decided on 11.11.2013, **Lilliput Kidswear Ltd. and others Vs. Nahar Industrial Enterprises in Crl.M.C.4722/2013** and judgment passed by this Court in CRM-M-31268-2014 titled **'Ramesh Kumar Thind Versus Lakhvir Singh'**, decided on 10.9.2014.

Therefore, the petition stands disposed of accordingly.

However, the petitioner is relegating to the remedy of raising all the pleas before the trial Court at appropriate stage and the trial Court shall deal with such contentions, in accordance with law by passing a speaking order.

12.3.2020
Brij

(H.S. MADAAN)
JUDGE

Whether reasoned/speaking :
Whether reportable :

Yes/No
Yes/No