

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

116

CRM-M-5080 of 2021
Date of Decision: 16.03.2021

Harjinder Singh

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Bhupinder Ghai, Advocate,
for the petitioner.

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

On 23.02.2021, the following order had been passed:-

“By this petition, the petitioner seeks quashing of complaint No. COMI/9/2 dated 05.02.2010, alleging therein the commission of offences punishable under Sections 493/494/496/376 of the IPC, as also the summoning order dated 08.09.2015 (copy Annexure P-2), passed by learned JMIC, Ambala, as also all other subsequent proceedings arising therefrom.

Though as regards the argument of learned counsel for the petitioner that with there being an FIR already registered on the complaint filed by the petitioner and therefore a criminal complaint on the same cause of action would not lie, this court would not be agreeable at all because in the complaint leading to the FIR, though an allegation of rape may have been made, with that offence not added (or not found to be made out by the police, in the report submitted under Section 173 Cr.P.C.), in my opinion that would not preclude the

complainant from filing a criminal complaint alleging therein the commission of that offence also.

Faced with the aforesaid, learned counsel for the petitioner seeks some time to address arguments on merits.

Adjourned to 16.03.2021.”

Today learned counsel for the petitioner seeks to withdraw this petition, with liberty to raise all arguments as are legally available before the trial court.

Dismissed as withdrawn, with the said liberty always available, with no comment made by this court whatsoever, on the merits of the case.

March 16, 2021
dinesh

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No