

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

122

CRM-M-11404-2021

Date of Decision: 14.09.2021

Lakhwinder Singh

.....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Simranjeet Singh, Advocate, for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

Amol Rattan Singh, J. (Oral)

Case heard via video conference.

On 29.04.2021, the following order had been passed by this

court:-

“Case heard via video conferencing.

By this petition, the petitioner seeks quashing of FIR no. 34, dated 17.03.2020, registered at Police Station Cantt Jalandhar, Police Commissionerate Jalandhar, for the alleged commission of offences punishable under the provisions of Section 406 of the IPC, as also all other subsequent proceedings arising therefrom.

Learned counsel for the petitioner submits that after the compromise reached between the petitioner and respondent no. 2, i.e. his wife (and her mother) fell through, respondent no. 2 got FIR no. 62, registered at Police Station Women, Jalandhar, on 25.08.2019 (copy Annexure P-3), in which she also had alleged that the petitioner had ousted her from the business (in addition to other allegations made). Thereafter FIR No. 34, dated 17.03.2020, has been registered at the same police station (copy Annexure P-5), simply further giving details of how she had been ousted from the business, with her PAN card etc. allegedly having been kept by the petitioner (as contended before this court).

He therefore submits that FIR No. 34 is not maintainable, the cause of action actually being the same.

However, upon query to learned counsel, he admits that a charge has still not been framed qua FIR No. 34, dated 17.03.2020, with the next date of hearing before the trial court for that purpose being 03.05.2021.

Adjourned to 07.05.2021 to determine as to whether a charge is also framed against the petitioner or not, qua FIR No. 34, dated 17.03.2020.”

Upon learned counsel for the petitioner submitting that upto 08.04.2021 no charge had been framed by the learned trial court, but thereafter on 29.07.2021 prosecution witnesses had also been summoned to testify, this court had directed the trial court to send its report as to whether charges have been framed in the context of FIR no.34 dated 17.03.2020, registered at Police Station Jalandhar Cantt., as also with regard to FIR no.62 dated 25.08.2019, registered at Police Station Women, Jalandhar, on 25.08.2019.

Pursuant thereto a report from the JMIC, Jalandhar, dated 06.09.2021, has been received, alongwith a covering letter from the learned Sessions Judge, Jalandhar, dated 07.09.2021, stating therein that as regards FIR no.34 of 2020 the charge had been framed on 08.04.2021, with the trial now pending for 14.09.2021 (that is today), for prosecution evidence.

As regards FIR no.62 dated 25.08.2019, it is stated that the said case does not “relate to this court”.

The last report of the trial court is not appreciated, in as much as especially as the matter was being sent through the learned Sessions Judge, Jalandhar, it would have been the duty of the trial court to obtain information and inform this court accordingly, yet, since learned counsel for the petitioner submits that in view of the fact that the charge has been framed on 08.04.2021, as per the said report, and he seeks to withdraw this petition and

wishes to file an appropriate revision petition before the learned Sessions Judge, nothing is said further on the matter, but with this order to be conveyed to the JMIC, Jalandhar, who has sent the report on 06.09.2021.

Dismissed as having been withdrawn, with liberty to file an appropriate revision before the Sessions Court concerned, with no comment made on the actual merits of the case by this court, as regards the revision to be filed before the learned Sessions Judge. That would be considered wholly on its own merits, including the issue of maintainability of the same.

September 14, 2021

dharamvir

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES
Whether Reportable : NO