

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

121

CRM-M-16529-2021
Date of Decision: 13.09.2021

Abhishek Hooda and another

..... Petitioners

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present : Mr. Mrigank Sharma, Advocate,
for the petitioners.

Mr. Neeraj Poswal, AAG, Haryana.

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

By this petition, petitioners seek setting aside of the order dated 01.11.2019 passed by the learned Sessions Judge, Faridabad, and the order dated 22.02.2021 passed by the learned Additional Chief Judicial Magistrate, Faridabad.

On April 20, 2021, the following order had been passed by this court:-

“Case heard via video conferencing.

When this court was not at all inclined to interfere with the impugned order in view of the fact (as is obvious from that order itself), that the petitioners had made a false averment in a petition filed before the learned Sessions Court to the effect that petitioner no. 2 was unmarried earlier and it was her first marriage, whereas subsequently even she had admitted before the court that she had earlier been married, pursuant to which the impugned order was passed allowing proceedings under the provisions of Section 340 of the

Cr.P.C. to be initiated and further directing that a complaint be filed in the court of the learned Area Magistrate to prosecute the petitioners for the commission of offences punishable under the provisions of Sections 193, 196 and 198 of the IPC (or any other provisions of law as applicable), learned counsel for the petitioners seeks an adjournment to address arguments on the legal issue as to whether an application under the provisions of Section 340 of the Cr.P.C. would be maintainable in the circumstances of the case or not.

To enable him to do so, adjourned to 13.05.2021, with it made clear that any request for an adjournment made on that date shall entail immediate dismissal of the petition, for non-prosecution.”

Today learned counsel for the petitioners submits that in fact this petition has been erroneously filed by him, with an appeal provided as per Section 341 of the Cr.P.C. and therefore he may be permitted to withdraw this petition, with liberty to avail of his remedy under Section 341 of the Cr.P.C.

That being so, without making any comment on the actual merits of the case, (though this court had expressed its mind in the last order), this petition is ordered to be dismissed as withdrawn.

(AMOL RATTAN SINGH)
JUDGE

13.09.2021
adhikari

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No