

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

|                     |                        |
|---------------------|------------------------|
| (1)                 | CRM-M-31560-2020 (O&M) |
| Jaswant Singh       | ...Petitioner          |
| Versus              |                        |
| Rashpal Singh       | ...Respondent          |
| (2)                 | CRM-M-31596-2020 (O&M) |
| Prabh Singh         | ...Petitioner          |
| Versus              |                        |
| Rashpal Singh       | ...Respondent          |
| (3)                 | CRM-M-31688-2020 (O&M) |
| Navpreet Singh      | ...Petitioner          |
| Versus              |                        |
| Rashpal Singh       | ...Respondent          |
| (4)                 | CRM-M-31700-2020 (O&M) |
| Lovepreet Singh     | ...Petitioner          |
| Versus              |                        |
| Rashpal Singh       | ...Respondent          |
| (5)                 | CRM-M-31726-2020 (O&M) |
| Balraj Singh @ Raja | ...Petitioner          |
| Versus              |                        |

Rashpal Singh

...Respondent

(6)

CRM-M-32152-2020 (O&M)

Sohan Singh

...Petitioner

Versus

Rashpal Singh

...Respondent

(7)

CRM-M-37-2021 (O&M)

Gurdev Singh

...Petitioner

Versus

Rashpal Singh

...Respondent

(8)

CRM-M-120-2021 (O&M)

Dilbagh Singh

...Petitioner

Versus

Rashpal Singh

...Respondent

(9)

CRM-M-135-2021 (O&M)

Sarwan Singh

...Petitioner

Versus

Rashpal Singh

...Respondent

(10)

CRM-M-139-2021 (O&M)

Sabeg Singh

...Petitioner

Versus

Rashpal Singh

...Respondent

(11)

CRM-M-147-2021 (O&M)

Gurjit Singh

...Petitioner

Versus

Rashpal Singh

...Respondent

(12)

CRM-M-176-2021 (O&M)

Gursahib Singh

...Petitioner

Versus

Rashpal Singh

...Respondent

(13)

CRM-M-177-2021 (O&M)

Hardeep Singh

...Petitioner

Versus

Rashpal Singh

...Respondent

(14)

CRM-M-185-2021 (O&M)

Mahinder Singh

...Petitioner

Versus

Rashpal Singh

...Respondent

(15)

CRM-M-188-2021 (O&M)

Shamsher Singh

|                                   |                      |
|-----------------------------------|----------------------|
| CRM-M-31560-2020 and others cases | -4-                  |
|                                   | ...Petitioner        |
| Versus                            |                      |
| Rashpal Singh                     |                      |
|                                   | ...Respondent        |
| (16)                              | CRM-M-191-2021 (O&M) |
| Balwinder Singh @ Titar           |                      |
|                                   | ...Petitioner        |
| Versus                            |                      |
| Rashpal Singh                     |                      |
|                                   | ...Respondent        |
| (17)                              | CRM-M-199-2021 (O&M) |
| Kuldeep Singh                     |                      |
|                                   | ...Petitioner        |
| Versus                            |                      |
| Rashpal Singh                     |                      |
|                                   | ...Respondent        |
| (18)                              | CRM-M-204-2021 (O&M) |
| Balkar Singh                      |                      |
|                                   | ...Petitioner        |
| Versus                            |                      |
| Rashpal Singh                     |                      |
|                                   | ...Respondent        |
| (19)                              | CRM-M-208-2021 (O&M) |
| Gurdev Singh                      |                      |
|                                   | ...Petitioner        |
| Versus                            |                      |
| Rashpal Singh                     |                      |
|                                   | ...Respondent        |
| (20)                              | CRM-M-223-2021 (O&M) |

Sukhdev Singh

...Petitioner

Versus

Rashpal Singh

...Respondent

(21)

CRM-M-227-2021 (O&M)

Lakhwinder Singh @ Lakha

...Petitioner

Versus

Rashpal Singh

...Respondent

(22)

CRM-M-228-2021 (O&M)

Hardev Singh

...Petitioner

Versus

Rashpal Singh

...Respondent

(23)

CRM-M-234-2021 (O&M)

Sukhchain Singh

...Petitioner

Versus

Rashpal Singh

...Respondent

(24)

CRM-M-235-2021 (O&M)

Rulda Singh

...Petitioner

Versus

Rashpal Singh

...Respondent

(25)

CRM-M-241-2021 (O&M)

Sukhchain Singh

...Petitioner

Versus

Rashpal Singh

...Respondent

(26)

CRM-M-245-2021 (O&M)

Sukhwant Singh

...Petitioner

Versus

Rashpal Singh

...Respondent

(27)

CRM-M-246-2021 (O&M)

Kabal Singh

...Petitioner

Versus

Rashpal Singh

...Respondent

(28)

CRM-M-248-2021 (O&M)

Harbhej Singh

...Petitioner

Versus

Rashpal Singh

...Respondent

(29)

CRM-M-265-2021 (O&M)

Harbhajan Singh

...Petitioner

Versus

Rashpal Singh

...Respondent

(30)

CRM-M-267-2021 (O&M)

Inderjit Singh

Versus

...Petitioner

Rashpal Singh

...Respondent

(31)

CRM-M-275-2021 (O&M)

Sukhbaz Singh @ Baaz Singh

Versus

...Petitioner

Rashpal Singh

...Respondent

(32)

CRM-M-278-2021 (O&M)

Jaswinder Singh

Versus

...Petitioner

Rashpal Singh

...Respondent

(33)

CRM-M-283-2021 (O&M)

Achhar Singh

Versus

...Petitioner

Rashpal Singh

...Respondent

(34)

CRM-M-292-2021 (O&M)

Inder Singh

Versus

...Petitioner

Rashpal Singh

...Respondent

|                 |                      |
|-----------------|----------------------|
| (35)            | CRM-M-295-2021 (O&M) |
| Sukhdev Singh   | ...Petitioner        |
| Versus          |                      |
| Rashpal Singh   | ...Respondent        |
| (36)            | CRM-M-296-2021 (O&M) |
| Gurjant Singh   | ...Petitioner        |
| Versus          |                      |
| Rashpal Singh   | ...Respondent        |
| (37)            | CRM-M-307-2021 (O&M) |
| Mangal Singh    | ...Petitioner        |
| Versus          |                      |
| Rashpal Singh   | ...Respondent        |
| (38)            | CRM-M-499-2021 (O&M) |
| Gurwinder Singh | ...Petitioner        |
| Versus          |                      |
| Rashpal Singh   | ...Respondent        |
| (39)            | CRM-M-694-2021 (O&M) |
| Ajit Singh      | ...Petitioner        |
| Versus          |                      |
| Rashpal Singh   |                      |

...Respondent

(40)

CRM-M-67-2021 (O&M)

Sukhdev Singh

...Petitioner

Versus

Rashpal Singh

...Respondent

(41)

CRM-M-70-2021 (O&M)

Simarjeet Singh

...Petitioner

Versus

Rashpal Singh

...Respondent

(42)

CRM-M-73-2021 (O&M)

Sukhjinder Singh

...Petitioner

Versus

Rashpal Singh

...Respondent

(43)

CRM-M-74-2021 (O&M)

Tarsem Singh

...Petitioner

Versus

Rashpal Singh

...Respondent

(44)

CRM-M-80-2021 (O&M)

Gurcharan Singh

...Petitioner

Versus

Rashpal Singh

...Respondent

**Date of Decision :- 15.02.2021**

**CORAM: HON'BLE MR.JUSTICE H.S. MADAAN**

Present: Kanwar Pahul Singh, Advocate with  
Ms. Navneet Kaur Dhanjal, Advocate for the petitioner(s).

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**H.S. MADAAN, J.**

By way of filing the petitions, petitioners/accused seek quashing of the private complaint bearing No.COMI No.47 of 2018 titled as “Rashpal Singh Versus Achhar Singh and others” under Sections 307/447/427/323/506/341/379/148/149 IPC and Sections 25 and 27 of Arms Act, Police Station Lopoke pending in the Court of learned Judicial Magistrate Ist Class, Ajnala, the summoning order dated 31.10.2018 passed therein and also the ancillary proceedings.

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

Even otherwise, the petitioners/accused can move application in the trial Court for discharge taking all the pleas available to them or raise the pleas at the time of consideration on charge and the trial Court is expected to consider such pleas and to pass appropriate order in accordance with law.

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, wherein dealing with a case with regard to summoning of accused in a complaint of defamation when the accused had challenged the summoning order by way of filing a petition under Section 482 Cr.P.C. before the High Court on various grounds seeking quashing of the criminal complaint, it was held that petitioner/accused should first urge the pleas raised in the petition before the trial Court at the stage of service/framing of notice under Section 251 Cr.P.C. in view of various judgments by the Apex Court i.e. , Krishna Kumar Variar Vs. Share Shoppe (2010)12 SCC 485, Bhushan Kumar Vs. State (NCT of Delhi), (2012) 5SCC 424, Rajeev Taneja Vs. NCT of Delhi in CrI.M.C. No.4733/2013 decided on 11.11.2013. I find further support from Lilliput Kidswear Ltd. and others Vs. Nahar Industrial Enterprises in CrI.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.

Learned counsel for the petitioners has further argued that availability of full-fledged mechanism to deal with the grievances of the petitioners is no bar to petitioners approaching the Court craving for grant of similar relief by invoking the provisions of Section 482 Cr.P.C. In support of his contention, he has referred to judgments Archna Dalmia Versus NCT of Delhi and another, 2013(136) DRJ 31, Dhariwal Tobacco Products Ltd. and others Versus State of Maharashtra and another, 2009(1) RCR(Criminal)677 and Keki Hormusji Gharda & Ors. Versus Mehervan Rustom Irani & Anr., 2009(3) RCR(Criminal)979.

However, I find that keeping in view the facts and circumstances of the case the petitioners should first approach the trial

Court since some of the objections sought to be taken are in the shape of mixed questions of facts and law, which may require leading evidence by the parties also, which can be done in the trial Court only. Section 482 Cr.P.C. saves the inherent powers of the High Court, which can be used to prevent abuse of process of any Court or otherwise to secure the ends of justice.

In the present case, the complainant had filed a private complaint. The trial Magistrate after recording the preliminary evidence vide speaking order had summoned the accused. It cannot be said that the whole process is abuse of process of the Court or that the complaint does not disclose any cause of action. The ends of justice further demand that when Court of competent jurisdiction, after going through the complaint filed by a person and perusing the evidence adduced by him comes to the conclusion that there are sufficient reasons to summon the accused to face trial and accused is so summoned, then the accused should appear there and present his/her version instead of rushing to the High Court praying for quashing of the complaint, summoning order etc. in an attempt to shift the forum of trial from Court of Magistrate to the High Court. A complete mechanism being available under law for redressal of grievances of the petitioners/accused, the petitioners cannot possibly adopt a short-cut route to have prompt decisions by filing the petitions under Section 482 Cr.P.C. This provision is not panacea for all the ills, grouses and grievances of a litigant. If the law does not provide any recourse to a litigant for redressal of his grievances then he may knock at the door of this Court and his grouse can be heard and dealt with in accordance with law but this Court cannot possibly take upon itself the task of resolution of every dispute

when the proper forum is the Court down in hierarchy, just because a litigant wants it to be done in a hope that a prompt result would be there.

Therefore, the petitions stand disposed of accordingly relegating the petitioners to the remedy of filing revision petition raising all the pleas before the trial Court at appropriate stage and the trial Court would deal with such contentions, in accordance with law vide speaking order(s).

**15.02.2021**  
**Brij**

**(H.S. MADAAN)**  
**JUDGE**

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