

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

Criminal Misc. No.M-8296 of 2022(O&M)

Date of Decision: June 02, 2022

Radhanath Pattanayak and others

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr.Shekhar Verma, Advocate for the petitioners.

Mr.Saurabh Girdhar, AAG, Haryana.

Mr.A.P.S.Deol, Senior Advocate assisted by
Mr.V.R.Lamba, Advocate for respondent No.2.

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HARINDER SINGH SIDHU, J.

By filing this petition, quashing of FIR No.64 dated 09.02.2022 under Sections 406, 420, 467, 468, 471 IPC, Police Station Kasola, District Rewari, the order dated 08.02.2022 passed by Ld. Judicial Magistrate Ist Class, Bawal, District Rewari on a complaint bearing No.COMI-4-2022 filed by respondent No.2 under Section 156(3) CrPC and all subsequent proceedings arising therefrom, is sought.

Mr.Deol, Ld. Senior Counsel appearing for respondent No.2 – complainant states that in view of the mandatory requirement that a complaint filed under Section 156(3) CrPC be supported with an affidavit of the complainant, the instant complaint having been filed without such affidavit, the impugned order dated 08.02.2022 (Annexure P-2) passed by Ld. Judicial Magistrate Ist Class, Bawal, may be set aside and all

consequential proceedings including the FIR (Annexure P-1) be quashed. However, the complainant be given liberty to file a fresh complaint complying with the requirement of supporting affidavit.

Accordingly, the order dated 08.02.2022 (Annexure P-2) is set aside. All consequential proceedings including the FIR No.64 dated 09.02.2022 under Sections 406, 420, 467, 468, 471 IPC, Police Station Kasola, District Rewari are quashed with liberty to the complainant to file a fresh complaint on the same cause of action and facts, by complying with the requirement of an affidavit.

Disposed of accordingly.

June 02, 2022

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(HARINDER SINGH SIDHU)
JUDGE

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No