

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

**CRM-M-14095-2019
Decided on:-03.08.2022**

Bhajan Singh

....Petitioner

vs.

Cheenu @ Sonu and others

....Respondents.

CORAM:HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Vivek K. Thakur, Advocate,
for the petitioner.

Mr. Paramjeet Singh Sullar, Advocate,
for respondents No.1 & 3.

ANOOP CHITKARA J. (Oral)

Feeling aggrieved by the dismissal of the complaint in default, the complainant has come up before this Court by filing the present petition under Section 482 Cr.P.C.

Reply filed on behalf of respondents No.1 and 3 is taken on record. Be tagged at appropriate place.

Learned counsel for the respondents/accused has opposed the present petition on the ground that the present petition under Section

482 Cr.P.C. is not maintainable.

Needless to say that there is a specific provision under Section 378(4) Cr.P.C., wherein, leave to appeal is provided for, in case of dismissal of complaint. The recourse under Section 482 Cr.P.C. can only be taken, in case, such remedy was not provided.

Given above, the present petition is not maintainable. Consequently, the present petition is disposed of with liberty to the petitioner to file leave to appeal. It is clarified that in case, such leave to appeal is filed then this Court requests the concerned Court seized of the said leave to appeal, to be liberal while condoning the time spent by the complainant in the present case.

(ANOOP CHITKARA)
JUDGE

03.08.2022
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Whether speaking/reasoned: Yes/No
Whether reportable: Yes/ No