

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-23851-2019
Date of Decision: 4th May, 2022

Ravi Nandan Goyal and others
Versus
Petitioners

State of Punjab and another
Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. P.S. Ahluwalia, Advocate for the petitioners.

Mr. R.S.Thind, Deputy Advocate General, Punjab.

Mr. C.S.Bakshi, Advocate for respondent No.2.

AVNEESH JHINGAN, J (Oral):

This petition is filed, aggrieved of order dated 16.5.2019 whereby the revision of the complainant (respondent No.2) was accepted, the order of Judicial Magistrate First Class (JMIC) dated 28.1.2019 declining to exercise powers under Section 156(3) Cr.P.C. was set aside and the matter was remanded back to JMIC.

Learned counsel for the petitioners for challenging the impugned order raises two legal issues. Firstly, that the complaint made under the Prevention of Corruption Act, 1988 has to be dealt with by a Special Judge and not by JMIC. Secondly, that whether prior sanction is required before filing a complaint under Section 156(3) Cr.P.C. is pending in the Supreme Court and is referred to the larger Bench.

Learned counsel for the respondent No.2 submits that to cut short the controversy and to ensure that there is no further delay, he is not

opposing the petition but liberty be granted to file a private complaint against the accused before the a Special Judge.

In view of the statement made by learned counsel for respondent No.2, the impugned order is set aside. Respondent No.2 would be at liberty to avail remedies in accordance with law including filing of private complaint.

Petition is disposed of.

[AVNEESH JHINGAN]
JUDGE

4th May, 2022
anuradha

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |