

CRM-M-1867-2023

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

CRM-M-1867-2023

Date of Decision: January 13, 2023

Aziz Mohd.

.....Petitioner

Versus

State of Haryana and Ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. [Neeru Bansal](#), Advocate for the petitioner.

HARKESH MANUJA, J. (ORAL)

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By way of present application filed under Section 482 of Cr.P.C., challenge has been made to an Order dated 29.11.2022 whereby, the complaint filed at the instance of petitioner has been ordered to be dismissed for want of prosecution.

The case in the petition is that the petitioner filed an application under Section 156(3) of the Code of Criminal Procedure before the Court of learned JMJC, Panchkula for registration of FIR and for investigation of the commission of offences under Section 295-A, 298, 379, 452, 506 and 120-B IPC. Vide order dated 10.11.2020, the trial Court rejected the prayer made by the petitioner for issuance of a direction of registration of FIR against respondent Nos.2 and 3 and directed the petitioner-complainant to adduce his preliminary evidence. Referring to the zimni orders passed by the trial Court which have been placed on record as Annexure P-3 to P-6, it has been contended that on most of the occasions the complaint was adjourned on account of COVID-19 pandemic situation. Learned counsel for the petitioner further submits that the petitioner is a permanent resident

of Ward No.5, V.P.P. Pirthipur Nichla, Tehsil Amb, District Una, Himachal Pradesh. On account of COVID-19 situation, the petitioner was not able to appear before the Court.

Learned counsel for the petitioner also submits that as an effect to passing of impugned order, substantial rights of the petitioner are going to suffer as the petitioner will not be able to pursue his remedy against respondent Nos.2 and 3.

Notice of motion.

Mr. Ramesh Kumar Ambavta, AAG, Haryana, who is present in Court, accepts notice on behalf of the State and raises no objection to the prayer made in the application.

I have heard learned counsel for the petitioner and have gone through the paper-book. Though from the record it appears that the petitioner has not been pursuing his remedy before the trial Court in a diligent manner, however, considering the broader aspect of the matter involving his substantial rights against respondent Nos.2 and 3, the impugned order dated 29.11.2022 is set aside subject to payment of cost of Rs.2500/- today in the following account, as the upholding of the impugned order shall cause serious prejudice to the substantial rights of the petitioner:-

Account Name- Punjab and Haryana High Court Bar
Association Lawyer's Family Welfare Fund
Account No.- 41564846387
Bank Name- SBI, High Court Branch.

In view of the aforesaid, the present petition is disposed of.

13.01.2023
tejwinder

(HARKESH MANUJA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>