

116 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5044-2023

Date of Decision: February 01, 2023

M/s Goyal Motors

...Petitioner

Versus

Ravi Kumar

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Munish Garg, Advocate for the petitioner.

DEEPAK GUPTA, J.(Oral)

Complaint bearing No.NACT/463/2022, titled as “*M/s Goyal Motors vs Ravi Kumar*” was pending in the Court of Judicial Magistrate 1st Class, Barnala. After recording preliminary evidence, summoning order was passed by learned Magistrate on 06.09.2022. The case was fixed on 17.12.2022 for service of respondent-accused, when nobody appeared for complainant-petitioner and so the complaint was ordered to be dismissed in default for lack of prosecution.

By way of this petition under Section 482 Cr.P.C., petitioner has prayed for quashing of order dated 17.12.2022.

It is submitted by counsel for the petitioner that the petitioner could not appear on 17.12.2022 due to wrong noting of date.

It is revealed that the case was still at the stage of service of respondent-accused when the impugned order was passed. The impugned order seems to have been passed in haste. Learned Trial Court should have given notice to the complainant-petitioner before taking extreme step of dismissing the complaint in default for want of prosecution. The impugned order is set aside. The Trial Court is directed to restore the complaint to its original number and proceed further in accordance with law.

February 01, 2023

sarita

Whether reasoned/speaking: Yes/No

(DEEPAK GUPTA)

JUDGE

Whether reportable: Yes/No