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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5748-2019

Date of Decision:11.05.2023

AMANBIR KAUR @ AMANVIR KAUR @ RANI AND ANR.

..... Petitioners

Versus

STATE OF PUNJAB AND ANOTHER

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. S.S. Brar, Advocate for the petitioner.

Mr. Shiva Khurmi, AAG, Punjab.

Mr. S.P.S. Sandhu, Advocate for respondent No.2.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition is seeking quashing of complaint No.1 dated 02.01.2017 titled as Gurpreet Singh @ Gopi Vs. Narinder Kaur and others (Annexure P-1) as well as summoning order dated 16.10.2018 (Annexure P14) whereby petitioners have been summoned to face the trial, under Sections 323, 324, 354, 506, 148 and 149 of IPC, 1860.

2. Learned counsel for the petitioner submits that petitioners with respect to same incident have lodged FIR against complainant. Police after completing investigation has filed challan against respondents herein. A number of civil as well as criminal cases are pending between the parties. The respondent/complainant herein filed impugned complaint before Magistrate who without considering pendency of FIR has passed the impugned orders summoning the

petitioners.

3. Learned counsel for the respondent No.2 does not dispute the afore-stated factual position and submits that Magistrate after considering pre-summoning evidence has passed impugned summoning order and there is no infirmity in the impugned order.

4. On being confronted with Section 210(3) of Cr.P.C, learned counsels for the parties conceded to the arrangement that impugned order may be set aside and Magistrate may be directed to pass fresh order after considering police report filed in FIR lodged by petitioners.

5. In view of statement of both sides, the impugned summoning order is set aside and Magistrate is directed to pass order afresh after considering challan presented by police in FIR lodged by petitioners.

6. The parties at the first instance are directed to appear before the Trial Court on 30.05.2023 and thereafter as directed by the Trial Court.

7. The petitioners till the passing of fresh order are at liberty to appear before the Trial Court in person or through counsel.

8. Disposed of.

(JAGMOHAN BANSAL)
JUDGE

11.05.2023
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>