

CRM-M-7325 of 2023

Date of Decision: February 10, 2023

Harpreet Kaur ...Petitioner
Versus
State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. S.P.S. Khaira, Advocate for the petitioner.

DEEPAK GUPTA, J.(Oral)

Complaint bearing NACT No.96/2021 dated 15.03.2021 titled “Harpreet Kaur Vs. Balwinder Singh” filed by the petitioner was dismissed in default by learned Judicial Magistrate Ist Class, Fatehgarh Sahib by way of impugned order dated 17.08.2022 (Annexure P.2) against which this petition is filed.

It is submitted by learned counsel that it was a single default of non-appearance on the part of the complainant- petitioner which occurred due to noting of the wrong date on the part of his counsel. When the complainant- petitioner appeared in the Court on the date told to him by his counsel, he was informed that complaint has already been dismissed in default.

Without commenting anything on the merits of the case, complaint cannot be dismissed for a single default which will be injustice to the petitioner. Accordingly, petition is allowed. Impugned order dated 17.08.2022 is set aside. Trial Court is directed to restore the complaint to its original number and proceed further in accordance with law.

February 10, 2023

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(DEEPAK GUPTA)

JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable:	Yes/No
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