

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(113)

2023:PHHC:073089
CRM-M-24322-2023(O&M)
Date of Decision: 19.05.2023

Mohinder Singh & others

--Petitioners

Versus

Harjit Kaur

--Respondent

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. M.S. Sachdev, Advocate for the petitioners.

RAJESH BHARDWAJ.J (Oral)

CRM-23105-2023

Application is allowed as prayed for.

Annexures P-5 to P-9 are taken on record.

CRM-23112-2023

This is an application praying for withdrawal of present petition qua petitioner no.2 Kewal Singh, who has unfortunately expired.

In view of the averments made in the application, same is allowed. Present petition qua petitioner no.2 is dismissed as withdrawn.

Main Case

The present petition has been filed under Section 482 Cr.P.C praying for quashing of complaint bearing no. COMI-547-2018 dated 2.6.2018 filed by respondent against the petitioners for the offence under sections 452, 323, 506 IPC, summoning order dated 15.10.2022 passed by learned JMIC, Jalandhar whereby petitioners have been summoned to face trial under sections 452, 323, 506 IPC along with consequential proceedings arising therefrom.

Learned counsel for the petitioners very fairly submits that he has not approached the revisional court after passing of impugned order. He submits that petitioners have been prosecuted in a complaint case wherein false and frivolous allegations have been levelled by the respondent. He submits that petitioner no.3 namely Jasvir Singh Ghuman is an NRI. Though, he did not appear before the Trial Court, however, written submissions were filed on his behalf but the learned Trial Court has not taken into consideration the same. Counsel prays for withdrawal of the present petition with liberty to the petitioners to approach the revisional court, however, written submissions on behalf of petitioner no.3 may also be taken into consideration. He further prays that the revisional court may be directed to condone the delay in filing the revision.

Having heard learned counsel for the petitioner, this court finds the prayer to be genuine one. Accordingly, present petition is allowed to be withdrawn with liberty to the petitioners to approach the revisional court in accordance with law. Revisional Court is requested to take into consideration the complete record of the case including the written submission, if any, filed by petitioner no.3, as submitted before this court and decide the matter in accordance with law. Revisional court is further requested to consider the request for condoning the delay caused in filing the revision sympathetically.

(RAJESH BHARDWAJ)
JUDGE

19.05.2023

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No