

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.36262 of 2023 (O&M)
DATE OF DECISION: 03rd NOVEMBER, 2023

Aditi Garg and another

.... Petitioners

Versus

State of Punjab and others

.... Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Petitioners in person with
Mr. Shreenath A.Khemka, Advocate,
Legal Aid Counsel.

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RAJBIR SEHRAWAT, J. (Oral)

1. The present petition has been filed under Section 482 of the Code of Criminal Procedure read with Articles 14, 21 and 50 of the Constitution of India for quashing of impugned Calendra (Annexure P-8) prepared by the police against the petitioners in GDR No.33 dated 08.05.2021 under Sections 107/150 Cr.P.C., Police Station Model Town, Police Commissionerate, Ludhiana, Punjab (Annexure P-7) along with summons and all subsequent proceedings arising therefrom, with certain other prayers made in the present petition.

2. A perusal of the file shows that being aggrieved against the action of the Additional Deputy Commissioner, Ludhiana, the petitioners had preferred the revision petition before the Court below. However, the said revision petition was dismissed by the Court below on account of non-appearance of the petitioners.

3. Today, learned counsel for the petitioners has submitted that the action of the police, in its entirety, is totally unauthorized and hence, in the present petition as well, the petitioners have challenged the proceedings initiated by the police along with all the subsequent proceedings and orders. However, the petitioners would be satisfied, if they are granted an opportunity of hearing by the lower Revisional Court and the issue is decided on merits by that Court.

4. Notice of motion.

5. Mr. Sandeep, Additional Advocate General, Punjab, accepts notice on behalf of the respondent/State.

6. Learned State counsel, being instructed by ASI Sita Ram, has submitted that the police have taken the action perfectly in accordance with law. The Revisional Court has also not committed any illegality or impropriety in dismissing the revision petition because of non-appearance of the petitioners before that Court. Hence, no interference by this Court is called for.

7. Having heard learned counsel for the parties and having perused the case file, this Court finds that the police have initiated the proceedings under Sections 107/150 Cr.P.C. against the petitioners in a complaint which they themselves had filed qua an alleged encroachment on public area by respondent Nos.9 to 11. The petitioners have gone totally unheard in the matter. Although, the non-appearance of the petitioners before the Court below was totally misconceived and unreasonable, however, it would not be unjustified to grant them one opportunity to put up their case before the Revisional Court.

8. In view of the above, the present petition is partly allowed and the order dated 06.07.2023 passed by the lower Revisional Court is set aside. The petitioners are granted one opportunity to appear before the lower Revisional Court; so as to make their submissions before the said Court. The lower Revisional Court is directed to decide the issue on merits of the case, if the petitioners so appear before it within a period of four weeks from today and/or on any other date so to be fixed thereafter by the Revisional Court; as per its convenience.

03rd NOVEMBER, 2023
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(RAJBIR SEHRAWAT)
JUDGE

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