

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

204/2

2023:PHHC:161138

CRM-M-35071-2019

Date of decision: December 12th, 2023

R.K. Sharma and others

.....Petitioners

Versus

State of Punjab and another

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. P.S. Ahluwalia, Advocates
for the petitioners.

Mr. Mohit Kapoor, Additional Advocate General, Punjab.

Mr. Rajeev Anand, Advocate
for respondent No.2.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioners are seeking quashing of criminal complaint No.COMI/286/2015 dated 18.04.2015 titled as Baljit Singh Versus R.K. Sharma and others and summoning order dated 06.07.2019, whereby the petitioners have been summoned to face trial for offence punishable under Sections 3 and 4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Sections 323, 324 and 325 of the IPC and all other consequential proceedings arising therefrom.

2. Learned counsel for the petitioners, *inter alia*, contends that it was a matter of record that vide order dated 23.04.2018, Hon'ble Supreme Court had stayed further proceedings against the petitioners in COMA/286/2015, however learned trial Court had erroneously proceeded with the matter and summoned the petitioners vide the impugned order dated 06.07.2019. He submits that no doubt the SLP filed by the petitioners was subsequently dismissed, however on

the date of the summoning order, learned trial Court had no jurisdiction to proceed with the matter. He thus prays that the matter be remanded back to the learned trial Court for deciding the matter afresh on the question of summoning.

3. Learned counsel for the complainant does not dispute the factum of proceedings being stayed by the Hon'ble Supreme Court at the time of passing of the summoning order. He also does not oppose the prayer made by the counsel opposite.

4. At this stage, both the parties are *ad idem* that the matter be remanded back to the learned trial Court for deciding the matter afresh on the question of summoning.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. In view of the above facts and circumstances, with the consent of learned counsel for the parties, the instant petition is disposed of and remanded back to the learned trial Court to decide the matter afresh on the question of summoning.

7. The parties are directed to appear before the trial Court within 15 days.

December 12th, 2023

Puneet

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No