

CRM-M-43916-2023

106

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

CRM-M-43916-2023

Dated 02.09.2023

Deepak Kumar @ Deepak Kumar Sharma

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present : Mr. Aanand Kumar Maurya, Advocate for the petitioner.
Mr. Rajat Gautam, Addl. A.G. Haryana.

Petitioner has come before this Court under Section 482 Cr.P.C. seeking quashing of protest petition (COMA-01/2018) dated 21.12.2018 (Annexue P-7) under Prevention of Corruption Act which is filed after further evidence as per Section 173(8) of Cr.P.C. (Annexure P-4; second cancellation report), without any jurisdiction; pending before learned Additional Sessions Judge, Panipat.

2. Counsel for the petitioner submits that matter is lingering on since 2015, despite the fact twice cancellation report filed by prosecution and prayed for quashing of protest petition, as complainant has no locus to file such petition.

3. Notice served upon the official respondent through State Counsel. The nature of this Court proposes to us, no notice is required to be issued to the private respondents.

4. State counsel submits that cancellation report has already been filed before trial Court, now the concerned Court asked the complainant to respond to police report, on which, he had filed protest

CRM-M-43916-2023

petition. Now matter is pending for preliminary evidence of complaint and the petitioner has not been summoned to face trial so far.

5. A perusal of order dated 25.08.2023 passed by the Addl. Sessions Judge, Panipat, reveals that the matter has been listed for preliminary evidence of the complainant and the matter is now fixed for 22.09.2023. Since the trial Court is adjudicating the matter by permitting the complainant to lead evidence, so the present petition is pre-mature at this stage and same is disposed of. However, it is clarified that while passing any final order on the protest petition, the trial Court shall also decide question of locus of the complainant to file such protest petition. It is further clarified that since the protest petition is pending since 2018, the matter shall not be unnecessarily adjourned and trial Court should curb every efforts made by complainant to delay the proceedings and shall pass the final order positively on 31.10.2023.

6. Although the accused-petitioner has not been summoned but in case, he voluntarily wants to remain present before the trial Court, it is for him to do so and trial Court shall allow him to remain present and watch the proceedings of pre-summoning stage.

(ANOOP CHITKARA)
JUDGE

02.09.2023

'Rajneesh'

Whether speaking/reasoned	:	Yes
Whether reportable	:	No.