



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

260

CRM-M-2570-2020

Date of Decision : **November 18, 2024**

GURMAIL SINGH AND ANOTHER

.....Petitioners

VERSUS

STATE OF PUNAJB AND ANOHTER

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. H.S.Sandhu, Advocate
for the petitioners.

Mr. Sahil R. Bakshi, AAG, Punjab.

Mr. Ishan Gupta, Advocate for
Mr. Harita Panthey, Advocate
for respondent No.2.

KULDEEP TIWARI, J. (Oral)

1. The grievance which propelled the petitioners to file the instant petition is the order dated 17.2.2018, whereby, the learned Civil Court concerned allowed the application filed under Section 340 read with Section 195 Cr.P.C. for conducting enquiry against the petitioners (respondents therein), who have wrongly verified the plaint and submitted false affidavits along with the suit.

2. At the very outset, the learned counsel for contesting respondent No.2 has raised the issue of maintainability of the instant petition on the

ground that the petitioners have an alternate efficacious statutory remedy, as the petitioners can file a statutory appeal under Section 341 Cr.P.C.

3. The objection raised by the learned counsel for respondent No.2 is not refuted by the learned counsel for the petitioners, however, he submits that he may be permitted to approach the learned Appellate Court concerned under the apt provision of law. He further submits that a mandamus be passed upon the learned Appellate Court concerned, to decide the statutory appeal, if so preferred by the present petitioners in a time bound manner, considering the age of petitioner No.1, who is 81 years old.

4. The asked for prayer is not opposed by the learned counsel for the respondent No.2.

5. In view of the above, the instant petition is **dismissed** as withdrawn, however, liberty is extended to the present petitioners to take an alternate statutory remedy, as available under Section 341 Cr.P.C. In case, the petitioners file such an appeal within 30 days from today, the learned Appellate Court concerned shall sympathetically consider the application for condonation of delay considering the fact that the petitioners have approached this Court by filing the instant petition as well as to make all the endeavor to decide such appeal most expeditiously.

November 18, 2024
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(KULDEEP TIWARI)
JUDGE

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