

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

129 CRM-M-8154-2024
Date of Decision.:15.02.2024

Anjum & Anr.Petitioners
Vs.
Abdul HakimRespondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Vijay Kumar Pandey, Advocate
for the petitioner.

DEEPAK GUPTA, J. (ORAL)

By way of this petition filed under Section 482 Cr.P.C., petitioners prays for quashing criminal complaint No.COMI No.193/2016 (Annexure P-2) besides summoning order dated 01.06.2023 (Annexure P-4) passed by learned SDJM, Ferozepur Jhirka, whereby petitioners were summoned to face trial under Sections 148, 149, 323 & 325 of the IPC. Also under challenge is the order dated 10.01.2024 (Annexure P-6) passed in CRR-55-2023 passed by learned Additional Sessions Judge, Nuh whereby revision against the order dated 01.06.2023 (Annexure P-5) has been dismissed.

2. Perusal of the paper-book would reveal that complaint (Annexure P-2) was filed by respondent Abdul Hakim, seeking prosecution of as many as 11 accused, including the two petitioners Anjum and Nabbi under Sections 148, 149, 323, 325, 384, 506 of the IPC. After recording

preliminary evidence and also after calling the report under Section 202 Cr.P.C. from the concerned SHO, learned SDJM vide order dated 01.06.2023 summoned all the accused, except accused No.2 Usman. The petitioners and other co-accused were summoned to face trial under Sections 148, 149, 323 & 325 of the IPC. It was observed that no case was made out to summon the accused under Sections 384 & 506 of the IPC.

3. Against the aforesaid order, all the 10 summoned accused including the two petitioners filed revision (Annexure P-5) before the Court of Sessions. That revision has been dismissed vide order dated 10.01.2024 (Annexure P-6).

4. Learned counsel contends that impugned orders are liable to be quashed as Courts below have failed to consider that there are no specific allegations against the petitioners; that there is no application of mind and that impugned orders have been passed in mechanical manner.

5. The contention raised before this Court is that there was no allegation against accused Usman and so, he was not summoned by the Trial Court and that the case of the petitioners is on same footing as against them also there is no specific allegation.

6. After hearing learned counsel for the petitioners, this Court finds that this is the second revision petition under the garb of Section 482 Cr.P.C. Petitioners along with co-accused have already availed the remedy of filing revision against the summoning order, which has been dismissed. Simply because one of the co-accused initially arraigned as accused, has not been summoned by the Trial Court whereas petitioners have been

summoned as accused cannot be ground to quash the summoning order qua the petitioners. No interference is called for, as this Court finds no illegality in the impugned orders.

Dismissed.

(DEEPAK GUPTA)
JUDGE

February 15, 2024
Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No