

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

CRM-M-13467-2019 (O&M)

Date of Decision : **13.02.2024**

SANDEEP SINGH GREWAL

.....Petitioner

VERSUS

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Piyush Khanna, Advocate,
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

KULDEEP TIWARI. J.(Oral)

1. The instant petition, as cast under Section 482 of the Cr.P.C., proffers the hereinafter extracted relief, as craved by the petitioner, inasmuch as, quashing of the complaint bearing No.COMI/978/2017, dated 09.01.2018 (Annexure P-1), filed under Sections 323, 307, 427, 452, 506, 34 of the IPC, and under Sections 25/27/54/ 59 of the Arms Act registered at Police Station Shimlapuri, District Ludhiana, as also the impugned order dated 06.12.2018 (Annexure P-8), vide which the petitioner has been summoned to face the trial by the learned trial Court concerned.

2. Learned counsel for the petitioner submits that the instant summoning order, suffers from grave illegality as there is a non-compliance of provisions of Section 210 of the Cr.P.C. He further submits that the instant complaint has been filed just as a counter-blast, and therefore, it is a sheer abuse of criminal process of law.

3. To elaborate his arguments on the issue raised (*supra*), learned counsel for the petitioner draws attention of this Court to the summoning order (*supra*), to submit that there is no consideration whatsoever, with regard to the investigation as carried out in FIR bearing No.189, dated 12.08.2017, under Sections 307, 323, 506 and 34, registered at Police Station Shimlapuri, District Ludhiana.

4. He further submits that once it was within the knowledge of the concerned summoning Court, that the investigation in the FIR (*supra*) is pending, and it was an obligation as imposed upon by the provisions of Section 210 of the Cr.P.C., to call for the investigation report of that FIR and after considering that report only, the Court concerned is required to adjudicate the issue of summoning on evidence led by the complainant.

5. This Court is not inclined to accept the argument as raised by learned counsel for the petitioner, as admittedly the final report *qua* the instant FIR, has already been submitted, but here it would be relevant to mention one of the facts as unfolds that the FIR (*supra*), was registered against the complainant on behest of the petitioner. Secondly, the investigation has already been completed, therefore, there was no necessity for the summoning Court concerned to seek the report of the investigation.

6. The argument as raised by learned counsel for the petitioner, that the instant complaint (*supra*), is a counter-blast to the FIR (*supra*), registered by the present petitioner, also cannot be considered at this stage, to quash the present complaint while exercising the powers under Section 482 Cr.P.C., as this issue requires appreciation of evidence upon

production of the same during the trial, and this Court is refrained to exercise its powers, to appreciate the evidence to conclude whether the instant complaint is a counter-blast to the FIR(*supra*), got registered by the present petitioner.

7. Consequently, the instant petition is ordered to be **dismissed**. However, liberty is granted to the petitioner, to raise all the pleas raised through the instant petition, before the learned trial Court concerned, at an appropriate stage.

February 13, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

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