

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

138

CRM-M No.17591 of 2024
Date of Decision: 09.04.2024

AMIT KUMAR

.....Petitioner(s)

Vs

STATE OF HARYANA AND ANOTHER

....Respondent(s)

CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA*

Present: Mr. Nafees Ahmed Khan, Advocate
for the petitioner.

HARKESH MANUJA, J. (Oral)

- [1]. By way of present petition filed under Section 482 Cr.P.C., prayer has been made for quashing of order dated 28.02.2024 passed by the Sub-Divisional Judicial Magistrate, Ferozepur Jhirka, District Mewat whereby the application under Section 311 Cr.P.C., filed at the instance of respondent No.2 stands allowed.
- [2]. Learned counsel for the petitioner submits that having been made statement before the Court concerned that affidavit given by their father in the preliminary evidence be treated as an affidavit of evidence, respondent No.2 was stopped from moving any application under Section 311 Cr.P.C. for being granted an opportunity to appear as witness.
- [3]. Having heard learned counsel for the petitioner and while perusing the impugned order, I am unable to find substance in the submissions made by learned counsel for the petitioner as the procedural law is to be enforced to further cause of justice and not to scuttle the rights of parties on account of technicalities and, thus, I do not find any reason to interfere with the discretion exercised by the Court below while passing the impugned order.
- [4]. In view of above, the present petition is disposed of.

(HARKESH MANUJA)
JUDGE

April 09, 2024
Atik

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No