

270 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-32915-2018

Date of Decision : January 11, 2024

Meharban and others

.....Petitioners

Vs.

Noor Hasan and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Minkal Rawal, Advocate for
Mr. Shiv Bishnoi, Advocate
for the petitioner.

Mr. Arshdeep Singh Brar, Advocate as Amicus Curiae
for respondent No.2.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the petition under Section 482 Cr.P.C. is for quashing of Complaint No.65 dated 14.03.2012 (Annexure P-1) under Sections 457, 328, 380, 381, 120-B IPC pending before the Chief Judicial Magistrate, Rupnagar and summoning order dated 21.03.2018 (Annexure P-2) and all the other subsequent proceedings arising therefrom.

The learned counsel for the petitioners contends that on the same cause of action another FIR No.162 dated 03.11.2011 under Sections 457, 380 IPC at Police Station City Rupnagar already stands registered against the petitioners. He contends that there cannot be two prosecution regarding the same incident and, therefore, the present FIR is liable to be quashed.

The learned State counsel as well as the learned counsel for the complainant, on the other hand, contend that while it is true that there cannot be two trials with respect to the same offence, resort can be had to Section 210 Cr.P.C., wherein the complaint case can be clubbed with the State case.

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I have heard learned counsel for the parties.

Admittedly, the occurrences in question are the same, which have firstly culminated in an FIR and thereafter in a criminal complaint.

In view of the above, the Trial in FIR No.162 dated 03.11.2011 under Sections 457, 380 IPC registered at Police Station City Rupnagar and Complaint No.65 dated 14.03.2012 (Annexure P-1) under Sections 457, 328, 380, 381, 120-B IPC are directed to be clubbed together and proceed further as one trial.

The petition stands disposed of.

January 11, 2024
satish

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned : YES / NO

Whether reportable : YES / NO