

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRM-M-32174-2015(O&M)

Date of order: 15.04.2024

Rajbala

.....Petitioner(s)

Vs.

Anil Kumar

.....Respondent(s)

CORAM: HON’BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Ajay Vijrania, Advocate
for the petitioner.

Mr. Parmod K. Parmar, Advocate
for the respondent.

Nidhi Gupta, J.

Present petition under Section 482 Cr.P.C. is filed seeking quashing of order dated 11.03.2015 (Annexure P1) whereby learned SDJM, Siwani has dismissed the complaint of the petitioner for non-prosecution; **and** order dated 12.05.2015 (Annexure P3), whereby learned Sessions Judge, Bhiwani has dismissed the revision petition filed thereagainst by the petitioner.

2. Learned counsel for the petitioner inter alia submits that the petitioner had filed a criminal complaint bearing No.187 dated 19.12.2012 under Sections 354, 452 and 506 IPC at Police Station Siwani against the accused/respondent herein. Notice was issued in the said matter and the same was pending for 11.03.2015, when the case was fixed for pre-charge evidence. On the said date i.e. 11.03.2015, learned counsel

for the petitioner did not appear in the matter as there was a call for strike by the Bar Association, Siwani. It is further submitted that the petitioner herself was unable to appear as she was taken ill on the said date. Learned counsel states that 11.03.2015 is the only single date on which the petitioner went unrepresented. The said pleadings of the petitioner are supported by her affidavit. Yet, the learned SDJM, Bhiwani vide impugned order dated 11.03.2015 dismissed the petitioner's complaint for non-prosecution.

3. Learned counsel further submits that even the revision petition filed by the petitioner against the said order dated 11.03.2015 before the learned Sessions Judge, Bhiwani, has been dismissed vide order dated 12.05.2015 (Annexure P3). Although, it was brought to the notice of the Courts below that learned counsel for the petitioner had gone to meet learned District and Sessions Judge, Bhiwani regarding the call for strike yet learned Sessions Judge, Bhiwani failed to appreciate this fact and passed the impugned order dated 12.05.2015 (Annexure P3) upholding dismissal in default of the petitioner's complaint. It is submitted that grave injustice would be caused to the petitioner if the said complaint is not restored.

4. Learned counsel for the respondent does not dispute the above said facts and submissions.

5. No other argument is made on behalf of the parties.

6. I have heard learned counsel for the parties and perused the case file in detail.

7.

In view of the submissions made hereinabove by learned counsel for the petitioner, which are not disputed by learned counsel for the respondent, the present petition is **allowed**; and criminal complaint bearing no. 187 dated 19.12.2012 registered under Sections 354, 452 and 506 IPC at Police Station Siwani against the accused/respondent herein, is restored.
8.

Pending application(s) if any also stand(s) disposed of.

15.04.2024

Sunena

Whether speaking/reasoned

Whether reportable

(Nidhi Gupta)

Judge

Yes/No

Yes/No