



CRM-M-14081-2021

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

CRM-M-14081-2021

Date of Decision:- 23.08.2024

JUGAL KISHORE

.....Petitioner

VERSUS**MANJIT SINGH & ANOTHER**

.....Respondents

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDIPresent:- Mr. Anuj Dewan, Advocate
for the Petitioner.Mr. Vishal Munjal, Advocate
for the respondents.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 482 Cr.P.C. is for quashing of the order dated 12.03.2020 (Annexure P-6) passed by the Sessions Judge, Pathankot in Criminal Revision No.06 of 2019 filed on 26.09.2019 registered under Section 398 of Cr.P.C. titled as 'Jugal Kishore Versus Manjit Singh & another' whereby the revision petition of the petitioner challenging the order passed under Section 203 Cr.P.C. dated 07.08.2019 (Annexure P-4) passed by the JMIC, Pathankot has been dismissed.

2. The brief facts of the case are that the petitioner/complainant filed an application under Section 156(3) Cr.P.C. seeking registration of an FIR against the respondents. The JMIC, Pathankot vide order dated 19.07.2017 (Annexure P-1) took cognizance under Section 190(1)(a) Cr.P.C. and treated the application as a complaint and directed the complainant/petitioner to get recorded his preliminary evidence.

Pursuant to the recording of the preliminary evidence and on

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consideration of the material on record the complaint came to be dismissed under Section 203 Cr.P.C. vide judgment dated 07.08.2019. The copy of the said judgment is attached as Annexure P-4 to the petition.

4. The complainant/petitioner filed a revision before the Court of the Sessions Judge, Pathankot. The said Court vide judgment dated 12.03.2020 assuming that the revision had been preferred against the order dated 19.07.2017 (Annexure P-1) and not against the final order dismissing the complaint dated 07.08.2019 (Annexure P-4) dismissed the revision petition primarily on the grounds of it not being maintainable.

5. The aforementioned order is under challenge in the present petition.

6. The learned counsel for the petitioner contends that the Sessions Judge was under a misconception that the revision petition had been filed challenging the order dated 19.07.2017 and not the final order dismissing the order dated 07.08.2019 and therefore came to the conclusion that a revision was not maintainable. In fact, the complaint had been dismissed after recording of preliminary evidence under Section 203 Cr.P.C. vide judgment dated 07.08.2019 and it was that judgment which was under challenge in the revision petition. The Revisional Court ought to have considered the case on merits and could not have dismissed it on the grounds of non-maintainability. He, therefore contends that the impugned order was liable to be set aside and the case ought to be remanded back to the said Court for a decision on merits.

7. On the other hand, the learned counsel for the respondents has not disputed the factual arguments raised by the petitioner/complainant but

contends that in the last paragraph of the impugned judgment, the Court has



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dismissed the case on merits as well.

8. I have heard the learned counsel for the parties.
9. A perusal of the facts would reveal that a complaint had been preferred under Section 156(3) Cr.P.C. seeking registration of an FIR. The Magistrate vide order dated 19.07.2017 (Annexure P-1) took cognizance and treated the case as a complaint case. Pursuant to recording of the evidence the said complaint was dismissed by the Court vide judgment dated 07.08.2019 (Annexure P-4). The aforementioned judgment was challenged before the Court of Sessions, Pathankot which dismissed the same primarily on the assumption that the revision petition had been filed against the order dated 19.07.2017 and thus was not maintainable. Though, there is an observation of the revision petition being dismissed on merits, the sum and substance of the impugned order is that the revision petition was not maintainable against the interim order dated 19.07.2017 (Annexure P-1). Therefore, apparently there has not been a proper adjudication on merits by the Revisional Court.
10. In view of the aforementioned discussion, the present petition is allowed. The order dated 12.03.2020 (Annexure P-6) passed by the Sessions Judge, Pathankot stands quashed. The case is remanded back to the Sessions Judge, Pathankot for a fresh adjudication on merits.

(JASJIT SINGH BEDI)
JUDGE

23.08.2024
JITESH

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