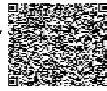


CRM-M No.27653 of 2024

2024 FHHC:078937



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

124

CRM-M No.27653 of 2024
Date of Decision: 31.05.2024

JAGJIT SINGH

.....Petitioner(s)

Vs

STATE OF PUNJAB AND OTHERS

....Respondent(s)

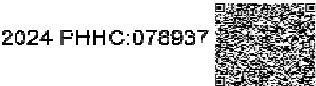
CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA*

Present: Mr. G.S. Dhillon, Advocate and
Mr. Jatin Bansal, Advocate
for the petitioner.

HARKESH MANUJA, J. (Oral)

[1]. By way of present petition filed under Section 482 Cr.P.C., prayer is for quashing of order dated 20.01.2024 passed by the Judicial Magistrate Ist Class, Rupnagar, in complaint case No.COMI-33-2016 dated 02.03.2016 filed at the instance of petitioner was dismissed in default qua respondent No.6 on account of non-filing of his fresh address.

[2]. Upon advance notice, Mr. Siddharth Sandhu, Asstt. A.G., Punjab appears on behalf of the respondent/State and submits that on enquiry, it has been found that respondent No.6-Amrik Singh son of Surjit Singh is residing at St. No.2, Near Raj Model School, Aes B. Aes Nagar, Dhandra Road Gill, Ludhiana and he even in pursuance of summoning order dated 30.08.2019 passed against him, was taken to the Trial Court on 30.05.2024, however, his presence was not acknowledged.



[3]. I have heard learned counsel for the parties and gone through the paper book.

[4]. It is incomprehensible as to why once having issued summoning order against respondent No.6, his presence was not acknowledged by the Trial Court despite being produced before it for completion of service process. Besides it, the impugned order vide which the complaint qua him has been dismissed on account of not filing of his fresh/correct address by the petitioner, is wholly uncalled for as respondent No.6 cannot be extended any benefit of his evading the process of law and the Court cannot sit as a mute spectator. Rather than dismissing the complaint in default, the Trial Court should have tried to facilitate the petitioner to serve respondent No.6, who was to put in appearance despite in pursuance to the summoning order dated 30.08.2019, passed against him.

[5]. In view of aforesaid discussion, the present petition is allowed and the impugned order dated 20.01.2024 passed by the Judicial Magistrate Ist Class, Rupnagar is hereby set aside. The complaint *qua* respondent No.6 is ordered to be restored at its original number with a direction that respondent No.6 be produced before the Trial Court through respondent No.1 and his presence be acknowledge in terms of summoning order dated 30.08.2019, towards completion of service.

May 31, 2024	(HARKESH MANUJA)
<i>Atik</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No