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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-38629-2021(O&M)
Date of Decision:- 30.01.2024

Shiv Kumar Yadav

...Petitioner

Versus

Arun Khanna and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr.K.S.Dadwal, Advocate
for the petitioner.
Ms.Madhur Panwar, Advocate for respondent No.1.
Mr.Abhinash Jain, DAG, Haryana.

Kuldeep Tiwari, J. (Oral)

CRM-53320-2023

1. This is an application for placing on record the reply filed on behalf of respondent no.1.
2. For the reasons mentioned therein, application is allowed and reply filed on behalf of respondent No.1 is taken on record.

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3. Through the instant petition, petitioner has prayed for quashing of the criminal complaint No.5/14 dated 06.02.2024 (Annexure P-4) as well as the order dated 26.04.2018 passed by the learned Additional Chief Judicial Magistrate, Panipat (Annexure P-7), whereby, the petitioner has been summoned, as well as order dated 23.08.2021 (Annexure P-1) of framing of charge.
4. The issue which is raised before this Court is mainly to challenge the order of framing of charge, which in fact, is revisable order.

Faced with the above situation, learned counsel for the petitioner submits that he has instruction to withdraw the instant petition, in case liberty is granted to the petitioner to avail statutory remedy, for challenging the impugned order of framing of charge. However, he further submits that since he approached this Court within the stipulated time frame, therefore, the adequate protection may be granted by condoning the delay for filing the statutory revision before the revisional court concerned.

5. Be that as may be, this Court refrains to exercise its powers as envisaged under Section 482 Cr.P.C., at this stage, and cannot condone the delay, if any, however, in case, the petitioner prefers the revision petition within one month from today, against the impugned order of framing of charge before the learned revisional court concerned, along with application for condonation of delay, the learned trial court concerned may consider such application most sympathetically, specifically, in a view that the present petition was pending adjudication before this Court, and the further proceedings before the learned trial court concerned was ordered to be stayed by this Court.

6. The instant petition is ordered to be disposed of with aforesaid liberty.

30.01.2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned: Yes/No.
Whether reportable: Yes/No.