

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.47712 of 2023 (O&M)
Date of Decision: 16.02.2024

GUDDA @ DHEERAJ KUMAR AND ORS.Petitioners
Vs
STATE OF HARYANA AND ANOTHERRespondent(s)

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

Present: Mr. Deep Singh Saini, Advocate
for the petitioners.

Mr. Rajiv Sidhu, D.A.G., Haryana.

HARKESH MANUJA, J. (Oral)

- [1]. By way of present petition filed under Section 482 Cr.P.C., prayer has been made for quashing the Complaint No.COMI/179/2016 dated 08.07.2016 titled ‘Sanjay Kumar vs. Gudda etc.’ pending in the Court of Judicial Magistrate Ist Class, Panipat.
- [2]. In the present case, FIR No.420 dated 12.04.2016 under Sections 323 & 506 IPC and Sections 25-54-59 of the Arms Act, 1959 was registered at the instance of Lokesh Kumar (real brother of the complainant) against the petitioners. In the said FIR, upon investigation a cancellation report was prepared on 05.05.2016 which was presented before the Illaqa Magistrate on 18.08.2023. Having treated the cancellation report as a complaint, notice was issued to the complainant/respondent No.2.
- [3]. Grievance of the petitioners at this stage is that despite having availed more than twenty five opportunities, the complainant has not come forward and the pendency of the complaint has become undue harassment for the petitioners

wherein the complainant is not putting in appearance, what to talk of recording of his statement or producing any evidence in support of his complaint.

[4]. I have heard learned counsel for the petitioner and gone through the paper book.

[5]. Perusal of the zimni orders passed by the Court below which have been provided to me by learned counsel for the petitioner, during the hearing, shows that at least on 21 occasions since 21.12.2020, the complainant has chosen not to appear before the Trial Court and on each and every date prayer for exemption has been made on his behalf. As such, the act and conduct of the complainant clearly reflects that he has nothing substantial to put forth in support of the complaint and he is deliberately evading his appearance before the Court below. Moreover, faced with the aforesaid difficulty, the Trial Court even called upon the SHO concerned to submit fresh status report, however the same has not been furnished till date and the petitioners are suffering unnecessarily at the hands of respondent No.2.

[6]. Considering the aforesaid, this petition is disposed of with a request to the Trial Court to conclude the proceedings arising out of the cancellation report dated 18.08.2023, at the earliest, preferably within a period of two months from the date of receipt of certified copy of this order while keeping in mind the conduct of respondent No.2.

February 16, 2024
Atik

(HARKESH MANUJA)
JUDGE

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