

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

134

CRM-M-48376-2023

Date of decision: 18.03.2024

Suresh Kumar

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Rajesh Bansal, Advocate for the petitioner.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking setting aside of order dated 04.04.2022 (Annexure P-1) passed by learned Additional Sessions Judge, Panipat in CRR No.10 of 2022 dated 02.03.2022 (against order dated 17.02.2022 in CIS 35 dated 17.02.2022 under Section 420, 406, 120-B and 506 of the IPC) titled as 'Suresh Kumar Vs. Krishan Lal and others'.

2. Learned counsel for the petitioner submits that he filed an application under Section 156(3) of the Cr.P.C. seeking registration of an FIR against the accused persons for defrauding him. However, the learned Trial Court vide order dated 17.02.2022 (Annexure P-8), declined this prayer by erroneously observing that the matter did not warrant a direction to the police to register an FIR. Instead, the Court treated the petitioner's application as a private complaint.

3. Aggrieved by the order dated 17.02.2022, the petitioner preferred a revision petition before the learned Additional Sessions Judge, Panipat which was dismissed vide order dated 04.04.2022 (Annexure P-1) with the observations that the dispute between the parties was purely civil in nature and there was no necessity for the

registration of an FIR.

4. Subsequently, an FIR No.291 dated 27.05.2022 was registered by the police against the accused persons on a complaint previously lodged by the petitioner with the SSP concerned. Since the grievance of the petitioner stood addressed, he withdrew the complaint filed before the learned Judicial Magistrate 1st Class at Panipat on 02.08.2022. Learned counsel in support has drawn the attention of this Court to Annexure P-6.

5. Learned counsel has furthermore submitted that the accused persons in the meantime also filed petitions before this Court seeking the quashing of the FIR in question. Following the issuance of notice of motion by this Court, proceedings against accused persons Nitesh Dawar and Sunil Dawar were stayed. In their quashing petitions, the accused respondents No.2 to 7 made a specific averment that since the petitioner had not challenged the order dated 04.04.2022, the findings recorded therein had attained finality and were thus binding upon the petitioner.

6. Learned counsel submits that it is in the light of aforementioned sequence of events, the petitioner is now challenging the order dated 04.04.2022 passed by the learned Additional Sessions Judge on various grounds which include questioning the maintainability of the revision petition which is filed by the petitioner before the learned Additional Sessions Judge, Panipat. Learned counsel has submitted that the revision petition was not maintainable as it was an interlocutory order and the learned Revisional Court ought to have dismissed the same.

7. I have heard learned counsel and perused the relevant material on record.

8. The arguments of the learned counsel for the petitioner are rather perplexing. On the other hand, it has been contended by him that the revision petition preferred before the learned Additional Sessions Judge was not maintainable, however, on the other hand, the revision petition had been filed by none other than the petitioner himself before the learned Additional Sessions Judge; thus, it is a very strange argument which he has raised that the revision petition should have been dismissed on grounds of non-maintainability, being an interlocutory order. It appears that the petitioner may have filed the present petition after a significant delay of 2 years from the date of impugned order with the aim of bolstering his case and addressing potential gaps in contesting the quashing petition preferred by the accused persons/respondents. This is discernible from the petitioner's own acknowledgement in the instant petition wherein in paragraph 12 it has been mentioned that the accused persons (respondents No.2 to 7), while filing CRM-M-54017-2022 and CRM-M-59585-2022, specifically took a stand that the petitioner had not impugned the order dated 04.04.2022 passed by the learned Additional Sessions Judge, Panipat. In the circumstances, this Court does not find any merit in the instant petition which would warrant dismissal of the same. Accordingly, the instant petition is hereby dismissed *inlimine*.

18.03.2024

(MANJARI NEHRU KAUL)

Vinay

JUDGE

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