



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

116**CRR-2444-2024****Date of decision: 05.12.2024**

Rakesh Kumar

...Petitioner

V/s

State of Haryana

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr.Ravi Rana, Advocate, for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. The present revision petition has been filed for setting aside the order dated 30.08.2024 passed by the Additional Sessions Judge, Fatehabad in case FIR No.614 dated 30.12.2020 under Section 302 of the IPC and Section 25 of the Arms Act, registered at Police Station City Fatehabad, District Fatehabad.

2. At the very outset, this Court posed a pointed query to the learned counsel for the petitioner regarding his *locus standi* to file the present petition. In response, the learned counsel candidly admitted that the petitioner is not the complainant of the FIR in question. However, it was submitted that the petitioner, being the father of the complainant, is an aggrieved party.

3. When further questioned on the maintainability of the present revision petition, challenging an interlocutory order dismissing an application under Section 311 of the Cr.P.C., the learned counsel was unable to provide satisfactory justification to support its maintainability.



4. I have heard learned counsel for the parties and have perused the relevant material placed on record.
5. It is pertinent to note that the order passed by the learned trial Court rejecting the application under Section 311 of the Cr.P.C. is interlocutory in nature. Consequently, in view of the Statutory Bar under Section 397(2) of Cr.P.C., the present revision petition is not maintainable against the dismissal order dated 18th of March, 2024 passed by the learned trial Court.
6. The Honourable Supreme Court, while addressing a similar issue in *Sethuraman versus Rajamanickam*, 2010(5) RCR Criminal 512, categorically held that orders refusing to summon documents or dismissing applications under Section 311 Cr.P.C. are interlocutory in nature. Hon’ble the Apex Court observed that such orders being not final in nature and procedural, are clearly barred from challenge under Section 397(2) of the Cr.P.C.
7. In the present case, not only has the petitioner failed to substantiate his *locus standi* to file this revision petition, but he has also been unable to demonstrate how the present revision petition is maintainable against an interlocutory order.
8. In view of the above, the instant petition is dismissed.

December 05, 2024
poonam

(MANJARI NEHRU KAUL)
JUDGE

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