



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

137

CRM-M-22805-2025
Decided on : 01.05.2025

Ashwani Kumar

... Petitioner(s)

Versus

State of Punjab and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Karambir Singh Nalwa, Advocate
for the petitioner(s).

SANJAY VASHISTH, J. (Oral)

1. Petitioner has filed the present petition under Section 528 of BNSS, 2023 (corresponding Section 482 Cr.P.C.) for quashing of FIR No 141, dated 24.12.2011, u/s 420, 406, 120-B IPC, registered at P.S. Lambi, District Muktsar (Annexure P-5), report u/s 173 Cr.P.C., dated 25.10.2017 (Annexure P-9), and the impugned order dated 13.02.2025 (Annexure P-14), passed by learned JMIC, Malout, whereby, again charges have been framed against the petitioner.

2. It is noticed that the present quashing petition has been filed without availing the remedy of revision, as available to the petitioner.

Admittedly, the order of charge passed by the learned Trial Court at the first instance on 25.11.2021 (Annexure P-10), was assailed by the petitioner before the Revisional Court, however, by allowing the said revision petition, remitted the matter to the learned Illaqa Magistrate with a direction to proceed in accordance with law and to pass a fresh order. It is, thereupon, vide impugned order dated 13.02.2025 (P-14), again the charges



have been framed against the petitioner only u/s 420 r/w 120-B IPC.

3. While assailing the charge, the star argument of the petitioner's counsel is that once the petitioner is the only accused before the Court, and as per the case of prosecution, there is no evidence *qua* any other accused, then how the charges u/s 120-B could be framed.

4. Another argument raised by the petitioner's counsel is that the documents in question, i.e., agreements to sell, are for the period from 1989 to 1990, and the compliant has been filed on 17.05.2021, which is barred by limitation u/s 468 Cr.P.C (Section 514 of BNSS, 2023).

5. Since the petitioner has filed the instant petition before this Court directly, without availing the revisional remedy available to him before the Revisional Court against the order assailed herein, present petition is disposed of by observing that in case the order dated 13.02.2025 (P-14), assailed herein, is challenged before the Revisional Court, i.e., Court of Sessions within four weeks from today, such revision petition shall be decided by the Revisional Court, within a period of three months thereafter, in accordance with law.

6. Petition stands disposed of in above terms.

(SANJAY VASHISTH)
JUDGE

May 01, 2025

J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No