

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

249

2025:PHHC:127952



CRM-M-7472-2017 (O&M)
Date of decision: 16.09.2025.

HARPREET KAUR

...Petitioner(s)

VERSUS

AMRIK SINGH AND OTHERS

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

PRESENT Mr. Vishal Aggarwal, Advocate, and
Mr. G.S. Sarao, Advocate,
for the petitioner.

VINOD S. BHARDWAJ, J. (Oral)

Seeking quashing of order dated 15.09.2015 passed in COMI No.282 dated 01.04.2015 by the Judicial Magistrate First Class, Ludhiana as well as the order dated 01.11.2016 passed by the Additional Sessions Judge, Ludhiana, in CRR No.115 of 05.11.2015, the instant petition has been filed.

2 Learned counsel appearing on behalf of the petitioner contends that the petitioner had filed a complaint under Sections 323, 324, 452, 499, 500, 506, 148, 149 and 120-B of the Indian Penal Code, 1860 against the respondents alleging that they had forged certain documents regarding the

property, refused to settle the same and also gave beatings to her. He contends that the petitioner-complainant was to lead her evidence before the Court, however, the matter was transferred to the Court of another Judicial Magistrate First Class, and she could not appear for recording her evidence as a result whereof, the complaint was dismissed for want of prosecution on 15.09.2015. He submits that aggrieved thereof, the petitioner preferred a criminal revision before the Court of Sessions which such revision petition was also dismissed vide order dated 01.11.2016.

3 Counsel for the petitioner further contends that the petitioner otherwise had been diligently pursuing the said complaint, however, she could not appear in the said complaint on account of circumstances which were beyond her control and owing to the transfer of the case to another Court. He further contends that the respondents would in no way be prejudiced in case the petitioner is granted an opportunity to pursue her complaint in a manner known to law.

4 The matter is pending since 2017. The service report as received shows that the respondents are either not available at the addresses given in the memo of parties or they have left the country.

5 Be that as it may, considering the fact that the petitioner is yet to establish her case for summoning of the accused-persons and at that stage, the petitioner could not have been deprived of her right to pursue the complaint, I deem it appropriate to allow the present petition. Accordingly, the impugned order dated 15.09.2015 passed in COMI No.282 of 01.04.2015 by the Judicial Magistrate First Class, Ludhiana as well as the order dated 01.11.2016 passed by the Additional Sessions Judge, Ludhiana, in CRR No.115 of 05.11.2015, are set aside. The matter is ordered to be restored at

its original number so as to take further proceedings in accordance with law.

September 16, 2025.	(VINOD S. BHARDWAJ)
raj arora	JUDGE
<i>Whether speaking/reasoned</i>	: <i>Yes/No</i>
<i>Whether reportable</i>	: <i>Yes/No</i>