

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

2025:PHHC:129061



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**CRM-M-30919-2025 (O&M)
Date of Decision: 17.09.2025.**

Parkash Chand

...Petitioner.

Versus

Pardeep Kumar and others

...Respondents.

CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR

.....

Present: Mr. Nand Lal Sammi, Advocate and
Mr. Hitesh Kumar Sammi, Advocate
for the petitioner.

SUKHVINDER KAUR, J.

Prayer in the instant petition filed under Section 528 of BNSS, 2023 is for setting aside the order dated 10.02.2025, passed by learned Judicial Magistrate Ist Class, SAS Nagar, Mohali, vide which complaint filed by the petitioner had been dismissed for non-appearance.

Brief facts, necessary for disposal of the present petition are that the petitioner filed the aforesaid complaint against the respondents for breaking the locks of the house of the petitioner and thereby committing an offence under Sections 447, 448 and 454 of IPC. The said complaint was filed on 03.05.2023, whereby status report was called vide order dated 28.02.2024. It was observed that it was not a fit case for direction to register

the FIR and ultimately prayer under Section 156(3) of Cr.P.C. was declined and the matter was entertained as a complaint case. However, on 10.02.2025, due to non appearance of the complainant, the aforesaid complaint was dismissed for non appearance.

Learned counsel for the petitioner has contended that the non appearance of the petitioner on 10.02.2025 was not wilful and intentional but due to noting down the wrong date. The petitioner is ready to produce the entire evidence on any specific date granting by the Court and seeks one opportunity for the same.

Heard.

Perusal of the record shows that the petitioner was appearing before the trial Court on each and every date of hearing and only on two dates, there was no representation on his behalf. It seems that even on said dates, non-appearance of the petitioner was not intentional.

In the light of above, the present petition is allowed. Impugned order dated 10.02.2025 passed by learned Judicial Magistrate Ist Class, SAS Nagar, Mohali is hereby set aside and the aforesaid complaint of the petitioner is ordered to be restored at its original number and stage, subject to deposit of Rs.8,000/- with DLSA, SAS Nagar, Mohali.

The petitioner is directed to appear before the learned trial Court on 30.09.2025. Petitioner would conclude the entire preliminary evidence by availing two effective opportunities.

However, nothing observed herein above shall be construed to be an expression of opinion on the merits of the case. The observations

recorded above are only for the purpose of deciding the present petition.

Pending application(s), if any, shall also stand disposed of.

(SUKHVINDER KAUR)
JUDGE

17.09.2025.

<i>Komal</i>	Whether speaking/reasoned?	:	Yes/ No
	Whether reportable?	:	Yes/ No