



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

**CRM-M-38547-2025
DECIDED ON: 22.07.2025**

LAVNEET DUTTA AND OTHERS

.....PETITIONERS

VERSUS

RITU

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Gitesh Sharma, Advocate
for the petitioners.

RAJESH BHARDWAJ, J (ORAL)

1. Prayer in the present petition is for quashing of the impugned order dated 12.12.2023 (Annexure P-1) passed by the Court of learned Judicial Magistrate Ist Class, Malerkotla, whereby the petitioners have been declared as proclaimed persons in complaint case bearing COMI case No.81 of 2015, under Sections 326, 323, 324, 341, 120-B, 34 IPC (Date of Institution: 16.09.2015) titled as “Ritu Vs Lavneet and others” and all the subsequent proceedings arising therefrom.

2. Learned counsel for the petitioners submits that the petitioners have been prosecuted in the above-mentioned complaint. He further submits that the petitioners had filed a quashing petition bearing CRM-M-4270-2018 before this Court, in which notice of motion was issued on 02.02.2018 and the proceedings before the trial Court were stayed. It is further submitted that the said petition was dismissed for non-prosecution due to the non-

appearance of counsel, who had since been elevated to the Bench. Thereafter, the petitioners filed an application for restoration, which was allowed on 11.08.2023. Consequently, the petition stands restored and the interim stay order revived. However, despite the restoration of the petition, the trial Court erroneously declared the petitioners as proclaimed persons vide impugned order dated 12.12.2023 (Annexure P-1). He has submitted that the petitioners are keen to join the proceedings. He has thus submitted that the petitioners be granted protection for appearing before the learned trial Court.

3. After hearing counsel for the petitioners and perusing the record, it is apparent that the petitioners were prosecuted in complaint case bearing COMI No.81 of 2015, under Sections 326, 323, 324, 341, 120-B, 34 IPC (Date of Institution: 16.09.2015) titled as “Ritu Vs Lavneet and others”. The petitioners were granted interim protection by this Court vide CRM-M-4270-2018, however, the said petition was dismissed for non-prosecution on 08.07.2022. Although the case was subsequently restored but the trial Court being oblivious of the said fact, proceeded to declare the petitioners as proclaimed persons vide impugned order dated 12.12.2023 (Annexure P-1).

4. Without commenting anything about the authenticity of the ground taken by the petitioners, this Court proceeds to decide the matter as now the petitioners are ready and keen to join the proceedings. So, keeping in view the abovesaid facts, the present petition is disposed of and the impugned order dated 12.12.2023 (Annexure P-1) declaring the petitioners as proclaimed persons is set aside subject to payment of Rs.15,000/- as costs to be paid to the Day Care Centre for Elderly Disabled Home for Old & Destitute People, Sector 15, Chandigarh. The petitioners are directed to

appear before the trial Court within a period of 10 days from today and file appropriate application along with receipt of deposit of above-said costs then the trial Court will admit them to bail subject to its satisfaction during the pendency of trial and proceed with the trial as per law. Petitioners will have protection from arrest for a period of 10 days from today.

5. Needless to say that in case the petitioners fail to comply with the above-said direction within the stipulated period, they have no benefit of this order and the impugned order dated 12.12.2023 (Annexure P-1) would stand automatically revived and the present petition shall be deemed to have been dismissed.

6. Disposed of in above terms.

(RAJESH BHARDWAJ)
JUDGE

22.07.2025

Poonam Negi

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No