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

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Date of Decision: 18.11.2025

NARESH KUMAR

...Petitioner(s)

Versus

STATE OF PUNJAB AND ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. Prince Goyal, Advocate and
Mr. Sangam Garg, Advocate for the petitioner.

Mr. Satjot Singh Chahal, Assistant Advocate General, Punjab.

TRIBHUVAN DAHIYA, J. (Oral)

The petition has been filed seeking quashing of summoning order dated 14.12.2020, Annexure P-4, passed by learned Judicial Magistrate Ist Class, Mansa, and all subsequent proceedings arising therefrom, as also the criminal complaint dated 30.07.2019, titled *Nazar Singh Manshahia v. Bhagwant Mann and others*, under Sections 500, 34 of the Indian Penal Code, 1860 read with Section 66-E and 67 of the Information Technology Act, 2000.

2. As apparent on record, the petition has been filed after delay of more than four and a half years of passing of the summoning order. Accordingly, an objection has been taken regarding maintainability of the petition by learned State counsel.

3. Learned counsel for the petitioner, however, contends that the summons were served upon the petitioner for the first time on 05.12.2022, i.e., about two years after passing of the summoning order. And on account of interim stay granted by this Court in two petitions filed by the co-accused for quashing of the complaint as well as the summoning order in question, i.e.,



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CRM-M-3815-2021 and CRM-M-3907-2021, the trial remained stayed. The petitions were finally decided by this Court, vide judgment dated 26.03.2025, resulting in commencement of the trial. In these circumstances, the petitioner has approached this Court by filing the instant petition on 23.07.2025, and there is no delay on his part.

4. Concededly, the petitioner has approached this Court after more than two and a half years of service of the summoning order. No explanation has been put forth for this inordinate delay, except that trial remained stayed during this period. Merely because there was a stay on trial *qua* the co-accused during pendency of the aforementioned petitions filed by them, it cannot be a ground for the petitioner not to challenge the summoning order passed against him. Besides, all this while he had been appearing before the trial Court on different dates but never challenged the order by filing any revision petition within the period of limitation prescribed. Therefore, this Court is of the view the petition has been filed on a second thought after unreasonable delay, and is not inclined to entertain it on that account.

5. A reference in this regard can be made to the similar view taken by the Delhi High Court in CRL.M.C.1675/2022 and connected matters, titled *Sayam Bhushan and another v. State of NCT of Delhi and another*, holding as under:

43. At the outset, I find merit in the submission made by the learned counsel for the Complainant that the present set of petitions is liable to be dismissed on the ground of delay and laches as also for the failure of the petitioners to avail of their alternate efficacious remedy in form of Revision Petitions under Section 397 of the Cr.P.C.

44. It need not be emphasized that powers under Section 482 of the Cr.P.C. are discretionary in nature and though there may

not be a total ban on the exercise of such power where the situation so warrants, at the same time, there are limitations of self-restraint that are recognized and followed by the Courts in exercising this jurisdiction. One such limitation is where the petitioner had an alternate efficacious remedy, however, did not avail of the same within the period of limitation and thereafter filed the petition under Section 482 of the Cr.P.C. to overcome the objection of limitation. Similarly, the Courts have refused to entertain a petition under Section 482 of the Cr.P.C. where it is filed with unexplained delay and laches and in the meantime, the trial has proceeded.

45. xxx xxx xxx

46. This Court in Vipin Kumar Gupta (Supra), placing reliance on its earlier judgment in Rajesh Chetwal v. State Neutral Citation no.2011:DHC:4313, held that though there is no period of limitation prescribed for filing of a petition under Section 482 of the Cr.P.C., the principles of inordinate delay and laches shall be applicable, and where such petitions are filed with an inordinate delay and laches, this itself shall be a ground to dismiss the same.

6. In view thereof, the petition stands dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

18.11.2025
Ad

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