

**CRM-M-43449-2015**

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(124)**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-43449-2015****Date of Decision: 01.09.2025****RITESH KUMAR****... Petitioner****Versus****STATE OF HARYANA & ANOTHER****...Respondents****CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI****Present:** Mr. Rajesh Bansal, Advocate
for the petitioner.

Mr. Viney Phogat, DAG, Haryana.

Ms. Ramandeep Kaur Brar, Advocate
for respondent No.2.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 482 Cr.P.C. is for setting aside the order dated 31.07.2015 (Annexure P-4) passed by the Addl. Sessions Judge, Panipat in Criminal Revision No.66 of 2014 and the consequent order dated 03.08.2015 (Annexure P-5) passed by the Chief Judicial Magistrate, Panipat in case No.343/2013 dated 16.08.2013 vide which respondent No.2 has been ordered to be discharged under Section 182 IPC arising out of FIR No.728 dated 03.06.2011 U/s 323, 384, 379, 506, 327 IPC P.S. Panipat City, District Panipat (Annexure P-1).

2. The brief facts of the case are that respondent No.2/Naina Maadan filed an FIR No.728 dated 03.06.2011 (Annexure P-1) U/s 323, 379, 384, 506, 327 IPC P.S. City Panipat against Ritesh Kumar (petitioner), Meenu wife of Ritesh Kumar and one Naresh. The investigation in the said

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FIR culminated in a cancellation report being submitted on 11.10.2011. Meanwhile, the respondent No.2/complainant Naina Maadan preferred a protest petition against the cancellation report which came to be dismissed on 13.10.2016. However, a Kalandra under Section 182 IPC was submitted on 16.08.2013 in which pursuance to the summoning of respondent No.2/complainant Naina Maadan, charges came to be framed against her on 01.08.2014 (Annexure P3/A) U/s 182 IPC.

3. The aforementioned order framing charges under Section 182 IPC was challenged by the original complainant/respondent No.2-Naina Maadan before the Court of Addl. Sessions Judge, Panipat who vide order dated 31.07.2015 (Annexure P-4) accepted the revision petition and discharged the petitioner therein namely, Naina Maadan, the original complainant/ respondent No.2.

4. The present petition has been preferred by the original accused Ritesh Kumar (petitioner) against the aforementioned order of discharge.

5. The learned counsel for the petitioner contends that the discharge order has been passed incorrectly without due application of mind. In fact, it has been passed primarily on the basis of the fact that the respondent No.2/complainant Naina Maadan had preferred a protest petition against the cancellation report and therefore, during the pendency of a protest petition, the Kalandra could not survive. The protest petition was dismissed and therefore, the proceedings under the Kalandra ought to continue. Even otherwise, the petitioner who is the original aggrieved being falsely accused in FIR No.728 dated 03.06.2011 U/s 323, 384, 379, 506, 327 IPC P.S. Panipat



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City, District Panipat (Annexure P-1) ought to be heard at the revisional stage prior to the passing of the impugned order.

6. On the other hand, the learned State counsel along with the learned counsel for respondent No.2 contend that the cancellation report was submitted in FIR No.728 dated 03.06.2011 U/s 323, 384, 379, 506, 327 IPC P.S. Panipat City, District Panipat (Annexure P-1) but because a protest petition was filed, proceedings under the Kalandra could not have continued.

7. I have heard the learned counsel for the parties.

8. Admittedly, the FIR No.728 dated 03.06.2011 U/s 323, 384, 379, 506, 327 IPC P.S. Panipat City, District Panipat (Annexure P-1) came to be registered against Ritesh Kumar (petitioner) and others. The said FIR culminated in a cancellation report on 11.10.2011. The complainant/ respondent No.2-Naina Maadan preferred a protest petition on 02.02.2013. However, a Kalandra under Section 182 IPC was submitted against her on 16.08.2013. Even though the protest petition was dismissed on 13.10.2016 the Investigating Agency could not have presented the Kalandra during the pendency of the protest petition. Therefore, the charge against respondent No.2/complainant Naina Maadan could not have been framed and she was rightly discharged.

9. In view of the aforementioned discussion, I find no merit in the present petition. Therefore, the same stands dismissed.

(JASJIT SINGH BEDI)
JUDGE

01.09.2025

JITESH

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No