



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

273

CRM-M-62762-2024

Date of decision: 16.09.2025

SUJAL GAHLYAN @ SUJJAL

.... PETITIONER

VERSUS

STATE OF HARYANA AND ANR

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Parminder Singh, Advocate for the petitioner.

Mr. Vipul Sherwal, AAG Haryana.

Mr. Ashutosh Gupta, Advocate for the respondent No.2.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 528 of BNSS is for quashing/setting aside the complaint No. COMI/50/2024 dated 27.03.2024 (Annexure P-3) and the summoning order dated 19.04.2024 (Annexure P-4), whereby the petitioner summoned to face trial for the offence under Sections 114 of IPC read with Sections 279, 304-A IPC and 120-B and 34 of IPC.

The learned counsel for the petitioner contends that the petitioner faced trial in FIR No.106 dated 21.03.2021 under Sections 279, 337, 114, 304-A of IPC, came to be discharged vide order dated 04.03.2022 (Annexure P-2). Instead of challenging the said order, the complainant-respondent No.2 filed a criminal complaint on the same cause of action in which the petitioner has been ordered to be summoned. Therefore, the complaint and the summoning order are liable to be quashed.

The learned counsel for respondent No.2 has at the very outset conceded that he has now challenged the order dated 04.03.2022, whereby the petitioner was discharged.

The learned State counsel has not disputed the factual aspect of the matter.

I have heard learned counsels for the parties.

Admittedly, the petitioner was an accused in FIR No.106 dated 21.03.2021. He came to be discharged vide order dated 04.03.2022. Instead of challenging the said order of discharge, the respondent No.2/complainant filed a criminal complaint on the same cause of action in which the petitioner has been summoned vide the impugned order dated 19.04.2024 (Annexure P-4). Thereafter, the respondent No.2/complainant has now challenged the order dated 04.03.2022 (Annexure P-2) vide which the petitioner was discharged.

In view of the afore-mentioned facts and circumstances, the continuation of the proceedings emanating out of the complaint dated 27.03.2024 (Annexure P-3) and the summoning order dated 19.04.2024 (Annexure P-4) would be nothing but an abuse of the process of the Court. Therefore, the complaint No. COMI/50/2024 dated 27.03.2024 (Annexure P-3) and the summoning order dated 19.04.2024 (Annexure P-4) stand quashed.

Needless to say, this order shall have no effect in the challenge to the order dated 04.03.2022 which shall be decided on its own merits.

16.09.2025
Kusum

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No