

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

2025:PHHC:165510



107

CRR-3024-2025 (O&M)

Date of Decision: 28.11.2025.

Arun Goyal

...Petitioner.

Versus

State of Punjab and others

....Respondents.

CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR

Present: Mr. S.S. Sidhu, Advocate
for the petitioner.

Sukhvinder Kaur, J.

By way of present revision petition, the petitioner has challenged order dated 10.11.2025 passed by learned trial Court, vide which the petitioner seeking permission to contest the case as a legal representative of the deceased complainant, was dismissed.

2. The brief facts relevant for the adjudication of the present revision petition are that FIR No.72 dated 09.06.2021, under Section 420 IPC was registered against the respondent at Police Station City I Mansa, on statement made by Nachhattar Goyal, father of the petitioner. After completion of investigation challan was presented in the Court under Sections 420, 465, 467, 468, 471 IPC on 19.08.2022. During pendency of the trial, father of the petitioner Nachhattar Goyal expired on 13.09.2025, thereafter, the petitioner moved an application for allowing him to contest the case as legal heir of the complainant Nachhattar Goyal. The private

respondents filed reply to the said application vide impugned order dated 10.11.2025. The aforesaid application was dismissed by learned trial Court. Hence the petitioner has knocked the doors of this Court by way of filing the present revision petition.

3. Learned counsel for the petitioner contended that the petitioner falls within the definition of victim and as per Section 302 Cr.P.C. victim can also pursue the criminal litigation. In the present case the financial loss was caused not only to the complainant but the ultimately sufferer would be his legal heirs, as allegation of fraud, cheating and forgery of valuable security and forgery for purpose of cheating are made out from investigation of the police. He has also relied upon judgment of Hon'ble Supreme Court in *Ashwin Nanunhai Byas Vs. State of Maharastra and another*, 1967 SC 983 and *Debasish Bose and another Vs. State of West Bangal*, 2015(2) RCR (Cr.) 106 and judgments of Co-ordinate Bench of this Court in *Jaininder Jain Vs. State of Haryana*, 2007(2) RCR (Criminal) 271 and *Mahender Vs. Mukesh (Since deceased)*, Law Finder Doc ID# 2188358. He urged that the statutory intent of the provisions of Cr.P.C./ BNSS are not to foreclose the right of a person to continue with the prosecution even upon the death of the complainant. He submitted in the present case, the petitioner being the victim is legally entitled to pursue the case and it has been contended that the impugned order is liable to be set aside.

5. I have heard learned counsel for the petitioner and have gone through the relevant record.

6. The perusal of the case file reveals that the present case is pertaining to FIR No.72 dated 09.06.2021 and it is being prosecuted by the

State through learned Public Prosecutor. As the present case is not a criminal complaint case, so the case law as relied upon by the learned counsel for the petitioner is not applicable to the facts of the case in hand. The cases supra were not State cases and were rather private complaint cases. Therefore, on the death of the complainant, the application filed by victim/ LRs of deceased complainant were allowed to continue the prosecution under provision of Section 302 Cr.P.C.

7. Learned trial Court has rightly observed that it being a State case and not a complaint case, the substitution of the complainant or impleadment of his legal representatives is not required in the present case for continuing the prosecution. Moreover, the petitioner Arun Goyal and his mother Kaushalya Devi have also been cited as prosecution witnesses. So, at the appropriate time they can testify before the trial Court to put forth their version. As the State is already prosecuting the accused, it being a State case, then the application of the petitioner has been rightly dismissed by the trial Court.

8. Thus, there being no illegality or infirmity in the impugned order no interference therewith is called for while exercising the revisional jurisdiction by this Court. The present revision petition being bereft of any merits stands dismissed.

9. All pending applications, if any, also stand disposed of accordingly.

(SUKHVINDER KAUR)
JUDGE

28.11.2025

komal

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