

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

CRM-M-10698-2020

Reserved on:-08.05.2026

Pronounced on:-11.05.2026

Uploaded on:- 12.05.2026

*Whether only operative part of the judgment is
Pronounced or the full judgment is pronounced: operative part/full judgment*

DULI CHAND AND OTHERS

...Petitioners

Versus

STATE OF HARYANA AND ANR.

....Respondents

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present:- Mr. Sunil Sihag, Advocate
for the petitioners.

Mr. Sushil Bhardwaj, Addl. A.G. Haryana.

Mr. Satbir Singh Gill, Advocate
for respondent No.2.

MANDEEP PANNU, J.

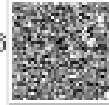
1. The present petition has been filed under Section 482 Cr.P.C. for quashing of the impugned order dated 02.11.2019 (Annexure P-4) passed by the learned SDJM, Ellenabad in complaint No. COMI-34 of 2016 dated 03.05.2016 titled as “*Tara Chand versus Dhulli Chand and others*”, whereby the petitioners have been summoned to face trial for offences punishable under Sections 120-B, 465, 500 and 506 IPC and all the subsequent proceedings arising therefrom. The complaint pertains to Police Station Ellenabad, District Sirsa.



2. Learned counsel for the petitioners contends that the petitioners have falsely been implicated in the present complaint on account of personal grudge and political rivalry arising out of Panchayat Samiti elections. It has further been contended that the summoning order has been passed without proper appreciation of law and evidence, as the complaint is primarily based upon a photocopy/printout of the alleged resolution circulated through WhatsApp, whereas neither the original document nor any certificate under Section 65-B of the Indian Evidence Act has been produced on record. He submits that the learned trial Court gravely erred in relying upon an inadmissible electronic record while passing the impugned summoning order. It is further argued that the complaint is frivolous, malicious and an abuse of the process of law and, therefore, the impugned order as well as the consequential proceedings deserve to be quashed.

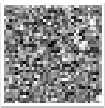
3. *Per contra*, learned State counsel as well as learned counsel for respondent No.2 have raised a preliminary objection regarding the maintainability of the present petition and submit that the petitioners have merely challenged the summoning order passed by the learned trial Court and have not sought quashing of the complaint itself. It has been contended that a summoning order passed in a complaint case is revisable in nature and, therefore, the appropriate remedy available to the petitioners was to file a revision petition under Sections 397/401 Cr.P.C. before the competent Court. It is argued that in the absence of any exceptional circumstance showing abuse of process of law or patent lack of jurisdiction, the inherent jurisdiction of this Court under Section 482 Cr.P.C. ought not to be invoked.

On merits, learned counsel for the respondents submit that the impugned



summoning order has been passed by the learned trial Court only after appreciating the preliminary evidence as well as the material available on record. It has been argued that the petitioners themselves have admitted the passing and circulation of the impugned resolution and that several signatories to the said resolution have categorically deposed before the learned trial Court that their signatures had been obtained fraudulently without disclosing the contents of the resolution to them. Learned counsel further submit that even an inquiry under Section 202 Cr.P.C. was conducted and during the said inquiry also, sufficient material surfaced indicating the involvement of the petitioners in passing and circulating the impugned resolution. It is, thus, contended that the learned trial Court, after due application of mind and upon finding sufficient grounds to proceed, has rightly summoned the petitioners and no illegality or perversity can be said to have been committed while passing the impugned order.

4. After hearing learned counsel for the parties and perusing the record, this Court finds merit in the preliminary objection raised by the respondents regarding maintainability of the present petition. Admittedly, the petitioners have challenged only the summoning order dated 02.11.2019 passed by the learned SDJM, Ellenabad and have not sought quashing of the complaint itself. A summoning order passed in a complaint case is essentially revisable in nature and the petitioners had an efficacious alternative statutory remedy of filing a revision petition under Sections 397/401 Cr.P.C. The inherent jurisdiction under Section 482 Cr.P.C. is to be exercised sparingly and only in exceptional circumstances where there is manifest abuse of the process of law or gross miscarriage of justice. No such



exceptional circumstance has been made out in the present case so as to bypass the statutory remedy available to the petitioners.

5. Consequently, the present petition is dismissed as not maintainable. However, liberty is granted to the petitioners to avail the appropriate remedy in accordance with law, including by filing a revision petition against the impugned summoning order, if so advised.

6. All pending applications, if any, also stand disposed of.

11.05.2026
Anu

(MANDEEP PANNU)
JUDGE

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