



IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

(133)

CRM-M No.23222 of 2016(O&M)

Reserved on: 29th January,2026

Date of Decision: 28th April, 2026

ASHISH ARORA

.....Petitioner

VERSUS

DR. CHARU SHARMA

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. Vikas Kumar, Advocate, for the petitioner.

Mr. ADS Sukhija, Senior Advocate with
Ms. Jashika, Advocate for the respondent.

SUBHAS MEHLA, J

1. Present petition has been filed under Section 482 of Cr.P.C. seeking quashing of criminal complaint I.P.C./403 registered on 18.09.2013 tiled as '*Dr. Charu Sharma v. Ashish Arora*' (Annexure P-1) under Sections 406 and 420 of I.P.C. pending before Judicial Magistrate First Class Chandigarh; summoning order dated 08.05.2014 (Annexure P-2); order dated 31.08.2015 dismissing the application under Section 245 Cr.P.C. (Annexure P-3) and order in revision dated 01.02.2016 (Annexure P-4) passed by the Additional Sessions Judge Chandigarh and all subsequent proceedings arising therefrom.



CRM-M No.23222 of 2016(O&M)

BRIEF FACTS

2. Briefly stated, the present petition arises out of a matrimonial dispute between the petitioner and the respondent. The marriage between the parties was solemnized on 23.12.1997. In 1998, the parties relocated to Virginia, USA, and after a few years, returned to India, whereupon they resided and worked together in Lucknow. Subsequently, relations between the parties became strained, and the respondent/complainant left the matrimonial home in April 2008 and shifted to her parental residence at Chandigarh. The petitioner thereafter instituted proceedings in May 2008, which culminated in an ex-parte decree of divorce dated 29.05.2009 passed by the Family Court at Lucknow.

During their cohabitation at Lucknow, the parties had jointly applied for allotment of a flat; however, the same was ultimately allotted solely in the name of the petitioner, and the sale deed dated 17.04.2008 was executed in his favour alone. Aggrieved thereby, the respondent/complainant filed the aforementioned complaint under Sections 406 and 420 of the IPC, alleging commission of offences of cheating and criminal breach of trust on the premise that, despite contributing an amount of approximately USD 42,000 towards the purchase of the said flat, the petitioner got the property transferred exclusively in his own name and, by deceitful means, transferred the said amount from her bank account maintained in the USA to his own account. It was further alleged that a legal notice dated 31.10.2011 was issued to the petitioner, which was duly received by him, but he failed to refund the said amount.

**CRM-M No.23222 of 2016(O&M)**

3. Upon filing of the aforementioned complaint, the Ld. JMIC, Chandigarh issued a summoning order dated 08.05.2014 (Annexure P-2). Thereafter, petitioner/ accused filed an application under Section 245 Cr.P.C seeking discharge, however, the same was dismissed by Ld. JMIC, Chandigarh, vide order dated 31.08.2015 (Annexure P-3). Aggrieved thereby, the petitioner preferred a revision petition assailing both the summoning order dated 08.05.2014 as well as the order dated 31.08.2015 declining discharge. The said revision petition, however, was dismissed by the learned Additional Sessions Judge, Chandigarh, vide order dated 01.02.2016 (Annexure P-4), thereby affirming the aforesaid impugned orders.

4. Consequently, the petitioner/accused has filed the present petition before this Court seeking quashing of criminal complaint IPC/403 under Sections 420 and 406 of IPC against the petitioner (Annexure P-1); summoning order dated 08.05.2014 passed by Ld. JMIC, Chandigarh (Annexure P-2); order dated 31.08.2015 passed by Ld. JMIC, Chandigarh, dismissing application under Section 245 Cr.P.C (Annexure P-3); as well as order dated 01.02.2016 passed by the Additional Sessions Judge, Chandigarh (Annexure P-4) whereby revision petition against the above-said orders was dismissed .

CONTENTIONS ON BEHALF OF PETITIONER

5. Learned Counsel for the petitioner/accused contended that the complaint in question has been filed with malafide intent, solely to harass the petitioner, and no offence under Sections 406 or 420 of IPC is made out from the allegations contained therein. It was submitted that the

**CRM-M No.23222 of 2016(O&M)**

petitioner had preferred an application under Section 245 Cr.P.C seeking discharge on the ground that no offence was disclosed; however, the said application was dismissed vide impugned order dated 31.08.2015 passed by the learned JMIC, Chandigarh, on the premise that the application had been filed at a premature stage. Assailing the said finding, learned counsel submitted that the same is wholly erroneous, as even a plain reading of the complaint does not disclose the commission of any offence, and thus the petitioner was entitled to discharge at the threshold.

6. With regard to the impugned summoning order dated 08.05.2014, learned counsel for the petitioner submitted that the learned Trial Court failed to appreciate that the dispute between the parties arises out of matrimonial discord, and that multiple litigations were already pending between them. It was further contended that the courts at Chandigarh lacked territorial jurisdiction, inasmuch as the property in question is situated at Lucknow, the bank account from which the alleged amount of USD 42,000 was transferred is maintained in the USA, and the petitioner is ordinarily resident at Lucknow; thus, no part of the cause of action arose within the jurisdiction of Chandigarh.

7. It was further argued that the learned Trial Court failed to conduct the mandatory inquiry under Section 202 Cr.P.C, despite the petitioner residing beyond its territorial jurisdiction, and issued process solely on the basis of preliminary evidence. Learned counsel submitted that, in view of the amended provisions of Section 202 Cr.P.C, such inquiry or investigation was mandatory prior to issuance of process, and non-compliance thereof vitiates the summoning order. Assailing the impugned

**CRM-M No.23222 of 2016(O&M)**

order dated 01.02.2016, whereby the learned Additional Sessions Judge dismissed the revision petition against the summoning order dated 08.05.2014 as well as the order declining discharge, it was contended that the same has been passed in complete disregard of settled principles of law. On merits, learned counsel submitted that although the flat in question was initially applied for jointly, the subsequent application was made by the petitioner in his individual capacity, and the entire consideration amount for the purchase of the flat, thereafter, was paid by the petitioner alone. Consequently, the sale deed dated 17.04.2008 was executed solely in his favour. It was further contended that this position was well within the knowledge of the respondent/complainant at the relevant time, particularly when she left the matrimonial home in April 2008.

8. It was also submitted that the allegation regarding illegal transfer of USD 42,000 from the respondent's bank account to that of the petitioner is wholly unsubstantiated and unsupported by any material on record, being a mere bald assertion. The respondent is an educated lady, and complaint was filed after an inordinate delay after the cause of action arose. No civil suit was lodged seeking possession of the land nor any recovery proceedings were filed, rather criminal proceedings were initiated by way of the impugned complaint dated 18.09.2013. This shows that the criminal law was set into motion, due to strained relations, only to settle their score. Further, it was contended that the parties have been residing separately since 2008, i.e. petitioner at Lucknow and respondent at Chandigarh; and there is no part of cause of action which arose within the jurisdiction of Chandigarh. Learned counsel urged that these material aspects, especially that of

**CRM-M No.23222 of 2016(O&M)**

jurisdiction have been completely overlooked while passing the summoning order, dismissing the application under Section 245 Cr.P.C, as well as while dismissing revision petition whereby both abovesaid orders were upheld. Hence, in view of aforesaid submissions, learned Counsel for petitioner sought that the impugned complaint dated 18.09.2013 as well as impugned orders dated 08.05.2014, 31.08.2015 and 01.02.2016, be set aside.

CONTENTIONS ON BEHALF OF RESPONDENT

9. Per contra, learned Counsel for the respondent/complainant contended that the petitioner has grossly misused the trust placed in him by the respondent/complainant on account of their matrimonial relation, and committed criminal breach of trust by illegally transferring US \$ 42,000.00 from the respondent/complainant's account maintained in USA to that of petitioner's own account. Upon being questioned, the petitioner allegedly stated that the transfer had been effected in haste in connection with an application for purchase of a flat at Lucknow. When the respondent expressed disapproval, the petitioner came up with the proposal to apply for the said flat jointly. Thereafter, to show good intent, acting on such representation, petitioner jointly applied for the flat, and a housing loan of ₹14,00,000/- was also availed jointly, with the petitioner as the primary applicant. It was further submitted that the respondent additionally contributed ₹1,59,000/- towards renovation and woodwork of the flat.

However, later on, without the knowledge or consent of the respondent, the petitioner unilaterally altered the allotment. When questioned regarding the

**CRM-M No.23222 of 2016(O&M)**

same, the petitioner assured the respondent/complainant that final sale deed would be registered in the names of both of them.

Hence, with ill-conceited plans, petitioner singularly moved an application in his individual name and got the sale deed registered in his name alone, thereby, not only illegally transferring the money from account of respondent/complainant for payment towards purchase of the flat, but also ousting the respondent/complainant from ownership of the said flat. Even though the respondent/complainant sent a legal notice dated **31.10.2011**, the petitioner failed to return the said amount. The transfer of funds in question was done without her consent, nor any later or subsequent intimation was given to the complainant/respondent, and the transfer was only discovered by her much later when she attempted to operate her account.

10. Learned counsel for respondent contended that the present petition is not maintainable, and ought to be dismissed on this ground itself. Learned counsel contended that the present petition under Section 482 Cr.P.C amounts to a second revision, which is impermissible in law, the earlier revision having already been dismissed. Reliance in this regard has been placed upon *Haryana Waqf Board v. Mahabir Ahlabadi, (P&H), CRM-M-36052-2019* and *Sudesh v. State of Haryana, (P&H), CRM-M-30350-2018*.

11. Opposing the contention of learned counsel for the petitioner that the courts at Chandigarh lack the territorial jurisdiction to entertain this matter, learned counsel for the respondent/complainant has argued that the



CRM-M No.23222 of 2016(O&M)

courts at Chandigarh have the competent jurisdiction, primarily relying on the argument, that cheating may, in some cases, be designated as a continuing offence, and on this account, courts at Chandigarh have the competent jurisdiction. In this regard, he has sought to rely on certain authorities, to support his contention as to territorial jurisdiction in continuing offence: *Kushal Kumar Gupta & Anr. v. Mala Gupta, 2011(4) RCR(Criminal) 186; Shiv Dayal Arora & Anr. v. Smt. Renu Arora 2007 (3) RCR (Criminal) 10; Samrat Kaushik & Ors. v. State of Haryana & Anr., 2007(1) RCR (Criminal) 328; Mandeep Singh v. State of Punjab; 1997 (2) RCR (Criminal) 154; Sandeep Aggarwal v. Sudesh Gupta, 1997 (2) RCR(Criminal) 322; Sarbjit Singh & Anr. v. Sarbjit Singh, 1994(1) RCR (Criminal) 90; and Swaran Singh & Ors. v. Jagdish Kaur, 1991 (3) RCR (Criminal) 83.*

12. Contesting the contention of the learned counsel for petitioner that the impugned summoning order dated 08.05.2014 has been passed in complete disregard of the mandatory provisions of Proviso to sub-section(1) of Section 202 of Cr.P.C, learned counsel for the respondent has relied upon two authorities, i.e. *Kala Ram Kansal v. State of Punjab & Anr., CRM-M-47422-2019; and Vijay Dhanuka Etc. v. Najima Mamtaj Etc, 2014 (14) SCC 638*, to contend that the inquiry under Section 202 is limited to ascertaining the truth in the complainant, and as long as the same is fulfilled, it is not mandatory to hold an inquiry or investigation when the accused is residing beyond the jurisdiction of the court.

**CRM-M No.23222 of 2016(O&M)**

13. Hence, in light of the aforesaid arguments, learned counsel prayed for dismissal of present petition and learned Trial Court and Revisional Court, after appreciation of facts and circumstances, passed well-reasoned orders, and they do not warrant interference.

14. Heard, and record perused.

OBSERVATIONS

15. Upon hearing learned counsel for the parties and perusing the record, this Court proceeds to examine the controversy in the backdrop of the admitted factual matrix. The parties were previously bound in a matrimonial relationship and have been engaged in protracted and acrimonious litigation over the years. Their marriage was solemnised in Jaipur in 1997, whereafter they relocated to the USA in 1998 for higher education and professional pursuits, and subsequently returned to India to settle in Lucknow. Owing to matrimonial discord, the relationship between the parties deteriorated, culminating in multiple legal proceedings inter se. The respondent/complainant lodged an FIR against the petitioner under Section 308 IPC, wherein the petitioner was ultimately convicted under Section 334 IPC vide judgment dated 16.09.2009. In the interregnum, the respondent left the matrimonial home in 2008 and shifted to her parental residence at Chandigarh, and upon divorce proceedings initiated by the petitioner, an ex parte decree of divorce dated 29.05.2009 was passed by the Family Court at Lucknow. The respondent's application under Order IX Rule 13 CPC seeking setting aside of the said decree was dismissed. It is

**CRM-M No.23222 of 2016(O&M)**

thereafter, in the year 2013, that the respondent instituted the present complaint under Sections 406 and 420 IPC in respect of the flat in question. The respondent is a well-educated and professional lady, and transfer of funds from her account was well within her knowledge, however. She has not agitated the same in any litigation – neither civil nor criminal, until the impugned complaint, which has been filed after an inordinate delay.

16. In this backdrop, the principal contention raised by learned counsel for the petitioner is that no part of the cause of action has arisen within the territorial jurisdiction of the courts at Chandigarh, and therefore, the said courts lacked jurisdiction to entertain the complaint, rendering the impugned orders unsustainable in law. It has further been contended that the learned JMIC failed to conduct the mandatory inquiry under Section 202 Cr.P.C, despite the petitioner admittedly residing outside its territorial jurisdiction at Lucknow, and proceeded in a mechanical manner without due application of mind to the merits of the case or the jurisdictional infirmities. On these grounds, it has been prayed that the complaint as well as the impugned orders be set aside.

17. Per contra, learned counsel for the respondent/complainant has opposed the petition, inter alia, on the ground of maintainability, contending that the present petition under Section 482 Cr.P.C amounts to a second revision, which is impermissible in law, the earlier revision having already been dismissed. Reliance in this regard has been placed upon *Haryana Waqf Board (supra)* and *Sudesh (supra)*. It has further been contended that the courts at Chandigarh do possess territorial jurisdiction, inasmuch as the

**CRM-M No.23222 of 2016(O&M)**

offence alleged is in the nature of a continuing offence, and therefore, the fact that the petitioner is resident of Lucknow, the property is situated at Lucknow, or that the bank account in question is maintained in the USA, does not oust the jurisdiction of the Chandigarh courts. On these premises, dismissal of the present petition has been sought.

18. From the facts of the case, and the arguments advanced by the learned counsel for the parties, the contentious point of discussion has been the territorial jurisdiction of the courts at Chandigarh. While learned counsel for the petitioner has vehemently argued that the courts at Chandigarh lack the territorial jurisdiction to entertain this matter, on the other hand, learned counsel for the respondent/complainant has argued that the courts at Chandigarh have the competent jurisdiction. In this regard, he has sought to rely on certain authorities, to support his contention as to territorial jurisdiction in continuing offence. *Kushal Kumar Gupta (supra); Shiv Dayal Arora (supra); Samrat Kaushik (supra); Mandeep Singh (supra); Sandeep (supra); Sarbjit Singh (supra); and Swaran Singh & Ors(supra)*. However, a careful examination of the said case-laws reveals that the principle of continuing offence, as invoked therein, has largely been applied in the context of offences under *Section 498A IPC*, that is, for the offence of cruelty, wherein the nature of allegations usually involve a continuing course of conduct. The present case, however, pertains to alleged offences under Sections 406 and 420 IPC, which do not, in the facts of the present case, attract the same treatment. Consequently, the authorities relied upon by the respondent do not lend any substantive support to his plea that courts at

**CRM-M No.23222 of 2016(O&M)**

Chandigarh had the competent jurisdiction to entertain the impugned complaint.

19. The settled rule of jurisdiction is encapsulated in the maxim: '*actor sequitur forum rei*', which means the plaintiff must follow the defendant's forum, so as to prevent harassment by compelling the defendant to contest proceedings at distant places. This principle also finds statutory recognition in Section 197 of the BNSS (erstwhile Section 177 CrPC), which mandates that every offence should be inquired into and tried by the court within whose territorial jurisdiction the offence was committed.

20. Applying the aforesaid principles to the present case, it is evident that the complaint, if at all maintainable, ought to have been instituted either at Lucknow, where the property in question is situated and the sale deed was executed, or at the place where the alleged transfer of funds took place, i.e., USA and Lucknow. It is not the case of the respondent that any act constituting deception, inducement, or delivery of property occurred within the jurisdiction of Chandigarh.

21. It is no doubt true that, in certain circumstances, the offence of cheating may assume the character of a continuing offence where its constituent elements occur at different places—such as the place where deception is practised, inducement is made, or property is delivered—however, the facts of the present case do not disclose any such circumstance. None of the essential ingredients of the alleged offences are shown to have arisen at Chandigarh. Consequently, no part of the cause of action can be

**CRM-M No.23222 of 2016(O&M)**

said to have arisen within the territorial jurisdiction of the Chandigarh courts, which, therefore, lacked the competence to entertain the complaint.

22. Furthermore, the offences alleged in the impugned complaint are anti-thesis to each other. While the offence under Section 420 of IPC requires that the dishonest intention should develop at the very inception, however, offence under Section 406 of IPC i.e. Criminal Breach of Trust, requires entrustment, and thereafter the dishonest intention develops. It has been held in a plethora of precedents, that allegations under Section 406 and Section 420 cannot go together, being the anti-thesis of each other which itself weaken the case of the prosecution when these offences are alleged together.

23. The next issue that arises for consideration is the validity of the summoning order in the context of compliance with Section 202 Cr.P.C. Learned counsel for the petitioner has contended that the learned Trial Court has proceeded in clear violation of the mandate of Section 202 Cr.P.C, inasmuch as the petitioner admittedly resides beyond the territorial jurisdiction of the court at Chandigarh, i.e., at Lucknow. It is submitted that, in such circumstances, the use of the expression “shall” in the amended provision makes it obligatory for the Magistrate to conduct an inquiry or direct an investigation prior to issuance of process, and the failure to do so vitiates the summoning order.

24. Contesting the above-said contentions, learned counsel for the respondent has relied upon two authorities, i.e. *Kala Ram (supra)*; and *Vijay*



CRM-M No.23222 of 2016(O&M)

(*supra*), to contend that the inquiry under Section 202 is limited to ascertaining the truth in the complainant, and as long as the same is fulfilled, it is not mandatory to hold an inquiry or investigation when the accused is residing beyond the jurisdiction of the court.

25. However, the interpretation adopted for the above-said authorities by learned counsel for respondent is not correct. In all circumstances and for all purposes, in cases where the accused is residing beyond the territorial jurisdiction of the court concerned, it is mandatory to hold an inquiry or investigation, lest the rights of accused be prejudiced leading to an unfair trial as it would create a hurdle for the accused in properly defending his case. In the peculiar facts of the present case, an inquiry/investigation thereunder was warranted prior to issuance of process. This is particularly so as the petitioner was residing at Lucknow, the property in question is situated at Lucknow, and the bank account from which the alleged amount was transferred was maintained in the USA, where the parties had resided together, and the account to which the said amount was allegedly transferred was maintained in Lucknow. There is a delay in filing the complaint, and there was a strained relationship between the parties which led to many litigations between them. In such circumstances, the learned Trial Court ought to have sought a report before proceeding to summon the petitioner.

26. In *Abhijit Pawar v. Hemant Madhukar Nimbalkar, 2017 (3) SCC 528*, the Hon'ble Supreme Court has observed as follows:

**CRM-M No.23222 of 2016(O&M)**

“Admitted position in law is that in those cases where the accused is residing at a place beyond the area in which the Magistrate exercises his jurisdiction, it is mandatory on the part of the Magistrate to conduct an enquiry or investigation before issuing the process. Section 202 of the Cr.P.C. was amended in the year by the Code of Criminal Procedure (Amendment) Act, 2005, with effect from 22nd June, 2006 by adding the words 'and shall, in a case where the accused is residing at a place beyond the area in which he exercises his jurisdiction'. There is a vital purpose or objective behind this amendment, namely, to ward off false complaints against such persons residing at a far off places in order to save them from unnecessary harassment. Thus, the amended provision casts an obligation on the Magistrate to conduct enquiry or direct investigation before issuing the process, so that false complaints are filtered and rejected. The aforesaid purpose is specifically mentioned in the note appended to the Bill proposing the said amendment”

27. Proviso to Section 202(1) is mandatory in nature, as it is in nature of a safeguard. Its object is to prevent harassment of persons living beyond the jurisdiction of the court trying the case, avoid frivolous or vexatious complaints and ensure that the magistrate applies his judicial mind before summoning an accused person. To do the same, the section requires that either he may conduct the investigation himself, or direct a police officer or any other person to conduct an investigation. Failing to do the same prima facie warrants interference by this Court as it results in abuse of process of law, even though the same has been previously adjudicated by the revisional court. Two wrongs do not make one right, hence the failure of the revisional court to detect the mistake of the summoning court, does not itself remedy the lacking of the summoning order. Therefore, this Court finds no force in

**CRM-M No.23222 of 2016(O&M)**

this contention of the learned counsel for the respondent, and finds merit in contentions of the learned counsel for the petitioner.

28. The next issue that arises for consideration is the maintainability of the present petition. Learned counsel for the respondent/complainant has contended that the instant petition, ostensibly under Section 482 Cr.P.C, is in the nature of a second revision, inasmuch as the summoning order as well as the order dismissing the application under Section 245 Cr.P.C have already been assailed before the revisional court and the revision petition has been dismissed. On this premise, it is urged that the present petition is not maintainable.

29. The objection, though seems reasonable at first, but it does not merit acceptance in the facts of the present case. It is well settled that while a second revision is barred, the inherent jurisdiction of this Court under Section 482 Cr.P.C remains unaffected and may be invoked, inter alia, to prevent abuse of the process of the court or to secure the ends of justice.

30. In the judgements relied upon by learned counsel for the respondent, *Haryana Waqf Board (supra)* and *Sudesh (supra)*, this Court has observed that the petition under Section 482, Cr.P.C against the decision of a revisional court would lie only in three situations:

“for giving effect to the orders passed under this Court, for preventing the abuse of process of the Court and to meet the ends of justice.”

**CRM-M No.23222 of 2016(O&M)**

In case of the second situation i.e. for preventing the abuse of process of the Court, this Court has further elucidated as to what is abuse of the process of this Court:

*“...by any means, an order passed by a **Court of competent jurisdiction** and continuation thereof cannot be branded as an abuse of the process of the Court”*

31. In the present case, as already discussed in the preceding paragraphs, the courts at Chandigarh lacked territorial jurisdiction to entertain the complaint. Consequently, the summoning order dated 08.05.2014, the order dated 31.08.2015, as well as the revisional order affirming the same, cannot be said to have been passed by courts of competent jurisdiction. Once such a jurisdictional infirmity strikes at the root of the proceedings, the continuation thereof would clearly amount to an abuse of the process of law.

In view of the above, this Court finds no merit in the objection raised by learned counsel for the respondent regarding maintainability. The present petition, being one invoking the inherent jurisdiction of this Court to prevent abuse of process and to secure the ends of justice, is held to be maintainable.

32. Taking into consideration the entire factual matrix and the legal position discussed hereinabove, this Court finds that the complaint-in-hand is vitiated not only on account of lack of territorial jurisdiction but also due to the surrounding circumstances in which it has been instituted. The complaint has been filed after a considerable and unexplained delay, i.e., in the year

**CRM-M No.23222 of 2016(O&M)**

2013, much after the dissolution of marriage between the parties on 29.05.2009 and even subsequent to the issuance of a legal notice in 2011. This assumes significance in light of the admitted position that the parties were earlier husband and wife and have been engaged in multiple litigations arising out of strained matrimonial relations. Notably, the respondent/complainant was fully aware, at the time of leaving the matrimonial home, that the allotment and sale deed of the flat stood in the name of the petitioner, yet no relief in respect thereof was sought until the impugned complaint was lodged in 2013. In light of the belated institution of the impugned complaint, that too before the courts at Chandigarh, despite no part of the cause of action arising there, this Court is of the opinion that the summoning order has been passed in a mechanical manner, without due application of mind and in disregard of the mandate of Section 202 Cr.P.C, particularly when the petitioner was residing beyond the territorial jurisdiction of the court. The revisional court, instead of rectifying these patent infirmities, has failed to examine the matter on merits and dismissed the revision petition solely on the ground of delay, despite the delay having been sufficiently explained in view of the pendency of the application under Section 245 CrPC.

33. In view of the aforesaid, this Court is of the considered opinion that the impugned proceedings suffer from fundamental legal infirmities and cannot be sustained. Accordingly, the present petition is **allowed**. The criminal complaint bearing No. IPC/403 dated 18.09.2013 titled *Dr. Charu Sharma v. Ashish Arora* (Annexure P-1) under Sections 406 and 420 IPC,



CRM-M No.23222 of 2016(O&M)

pending before the learned Judicial Magistrate First Class, Chandigarh; the summoning order dated 08.05.2014 (Annexure P-2); the order dated 31.08.2015 (Annexure P-3) dismissing the application under Section 245 CrPC; and the revisional order dated 01.02.2016 (Annexure P-4) passed by the learned Additional Sessions Judge, Chandigarh, along with all consequential proceedings arising therefrom, are hereby set aside.

- 34. Accordingly, allowed.
- 35. All pending application(s), if any, also stand disposed of.

(SUBHAS MEHLA)
JUDGE

28th April, 2026
mamta

<u>Whether Speaking/ Reasoned:</u>	<u>Yes/ No</u>
<u>Whether Reportable:</u>	<u>Yes/ No</u>