

**CRM-M-15551-2024**

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****236-C****CRM-M-15551-2024****Reserved on 21.11.2025****Date of Pronouncement:-23.01.2026****ARUN GARG****.... PETITIONER(S)****VERSUS****STATE OF PUNJAB AND OTHERS****...RESPONDENT(S)****CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present: Petitioner in person.

Ms. Navreet Kaur Barnala, AAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 482 of Cr.P.C, 2023 is for setting aside the order dated 17.05.2023 (Annexure P-2) passed by the Additional Sessions Judge, Ludhiana for dismissing the Criminal Revision No.CRR/32/2021 dated 09.03.2021 in default filed against the order dated 13.01.2021 of declining the application under Section 156(3) of Cr.P.C. passed by the ACJM, Ludhiana in CRM/133/2021 dated 12.01.2021.

2. The petitioner in person contends that he had filed an application under Section 156(3) of Cr.P.C. before the Magistrate against respondent Nos.5 to 7 and 13 along with unidentified police officials. The Magistrate dismissed the said application and ordered that the case be treated as a complaint case vide order dated 13.01.2021. He challenged the



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aforementioned order before the Revision Court and the said Court dismissed the revision petition in default vide order dated 07.05.2023. He contends that in view of the judgment of the Hon'ble Supreme Court in the case of *Taj Mohammad vs. State of Uttar Pradesh & Anr. 2023 (sup2) CutLT (Criminal) 925*, the revision petition could not have been dismissed in default and ought to have been decided on merits and therefore the impugned order dated 17.05.2023 passed by the ADJ, Ludhiana is liable to be set aside.

3. The learned counsel for the State, while referring to the reply dated 06.05.2024, contends that the Revisional Court was within its power to dismiss the revision petition in default as the petitioner-in-person had not appeared before the said Court. She therefore prays that the present petition is liable to be dismissed.

4. I have heard learned counsels for the parties.

5. Admittedly, a complaint under Section 156(3) of Cr.P.C was filed which was dismissed but the said complaint was ordered to be treated as a complaint case. The said order was challenged before the Revisional Court and the Revisional Court of the ADJ, Ludhiana dismissed the revision petition in default on 17.05.2023. In view of the judgment in *Taj Mohammad (supra)* the Court ought to have considered the case on merits even in the absence of the parties. Therefore, the impugned order dated 17.05.2023 (Annexure P-2) is set aside. The said Court shall adjudicate afresh upon the revision petition after reviving the same.

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6. It is made clear that this Court has expressed no opinion on the merits of the case.

23.01.2026

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**(JASJIT SINGH BEDI)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No