



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

201

CRM-M-35432-2023(O&M)

Date of Decision: 02.02.2026

LAKHWINDER SINGH

...Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. S. S. Momi, Advocate
for the petitioner.

Mr. Aakash Singla, Additional Advocate General, Haryana.

Ms. Mansi, Advocate and Mr. Rajender Kumar, Advocate
for respondents no.2 and 3.

TRIBHUVAN DAHIYA, J. (Oral)

The petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.216 dated 03.07.2020, registered under Sections 406, 420, 506, 201, 120-B of the Indian Penal Code, 1860 (IPC) (Sections 467, 468 and 471 IPC having been added subsequently), at Police Station Taraori, District Karnal, Annexure P-1, and the final report under Section 173 Cr.P.C., dated 25.03.2022, Annexure P-17, as well as all subsequent proceedings *qua* the petitioner.

2. Learned State counsel pointed out that during pendency of the petition, the petitioner had moved an application under Section 239 Cr.P.C. before learned Magistrate seeking discharge. It was dismissed after due consideration of all the grounds which have been raised in the instant petition



as well, by passing a detailed order dated 18.11.2024, which is revisable before the Sessions Judge.

3. Learned counsel for the petitioner contends that in terms of interim order dated 25.07.2023, directing that “*further proceedings before the trial Court would be subject to the decision of the present petition*”, the petitioner is entitled to challenge the Magistrate’s order before this Court. In support of the contention he has relied upon *Dhariwal Tobacco Products Ltd. and others v. State of Maharashtra and another*, 2009 (2) SCC 370.

4. Since the petitioner’s application seeking discharge has already been dismissed by the trial Court and the petitioner has an efficacious remedy to challenge the same by filing a revision petition, this Court is not inclined to entertain the petition. Merely because proceedings before the trial Court were made subject to final decision of the present petition, it could not be construed as a mandate in the petitioner’s favour, enabling him to challenge the Magistrate’s order dismissing the discharge application before this Court straightway, by evading the statutorily prescribed remedy of revision. Nor does this Court find any special circumstance to entertain such a challenge. The judgment in *Dhariwal Tobacco Products Ltd. case ibid.* cannot come to the petitioner’s rescue either since it lays down that a petition under Section 482 Cr.P.C. cannot be dismissed for the reason remedy of revision is available once it is concluded that allowing the proceedings before the trial Court will be an abuse of the process of Court. This is not the case at all, so far as the instant petition is concerned. This Court has no reason to believe that continuance of proceedings before the Sessions Court would be an abuse of the process.



5. In view thereof, the petition stands disposed of with liberty to the petitioner to challenge the order, dated 18.11.2024, before the learned Sessions Judge by way of a revision petition, if so advised.

(TRIBHUVAN DAHIYA)
JUDGE

02.02.2026
Ad

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>