



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

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CRM-M-51885-2023 (O&M)

Date of decision: 15.01.2026

Hukam Singh and Others

....Petitioners

Versus

Banarsi and Another

...Respondents

**CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY**

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Present : Mr. Dharamvir Singh, Advocate for the petitioners

Mr. Rajesh Duhan, Advocate for respondent No.2

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**AMAN CHAUDHARY, J. (ORAL)**

1. Prayer made in the present petition is for quashing of order dated 04.07.2023 passed by learned SDJM, Guhla on an application dated 28.10.2022 for substitution of complainant in Criminal Complaint No.52 of 2016 titled as Banarsi vs. Hukam Singh and Others, vide which the petitioners have been summoned.

2. The trial Court entertained an application filed by respondent No.2 for substituting in place of respondent No.1, who was the complainant in the complaint filed under Sections 148, 323, 341, 506, 382, 149 IPC, but had left the country, however, as has been stated and demonstrated by referring to the documents that there was neither any affidavit supporting the aforesaid application nor power of attorney or authority in favour of the applicant-respondent No.2-herein. Moreover, it was not permissible in terms of Sections 249 and 256 Cr.P.C., which prescribes the procedure in the absence of



non-appearance of the complainant.

3. Learned counsel for respondent No.2, has not been able to either rebut the aforesaid or persuade this Court to justify the order impugned, to be in accordance with law.

4. Resultantly, the impugned order dated 04.07.2023 being illegal and erroneous, is hereby set aside.

**(AMAN CHAUDHARY)**  
**JUDGE**

**15.01.2026**

M.Kamra

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