



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

CRM-M-47393-2019 (O&M)

Date of Decision: 28.04.2026

Daljit Singh

...Petitioner

Vs.

Kanwaljit Singh

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present: Mr.L.S Sidhu, Advocate
for the petitioner.

Mr. Kushagra Mahajan, Advocate
for the respondent.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 482 Cr.P.C with a prayer to quash the order dated 13.09.2019 (Annexure P-5) passed by the Court of Additional Sessions Judge, Amritsar in criminal complaint No.34/2018 dated 18.06.2018, under Sections 452,302,458,460,148,149,120-B of IPC.

2. Learned counsel for the petitioner contends that the respondent had filed a criminal complaint against the petitioner and six other accused in the Court of Sub-Divisional Judicial Magistrate, Ajnala, District Amritsar under Sections 302, 452, 458,460,148,149,120-B of IPC. After recording the preliminary evidence, the S.D.J.M, Ajnala observed that there were no sufficient grounds to summon the accused in the criminal complaint. The respondent/complainant filed a revision petition before the Court of Sessions Judge, Amritsar. The revision petition was finally heard and disposed of vide

the impugned order dated 13.09.2019 by the Court of Additional Sessions Judge, Amritsar. He further contends that from the impugned order, it is apparent that the service of respondents, which includes the petitioner was dispensed with and the Revisional Court had completely overlooked the mandatory provisions of Section 401 (2) Cr.P.C. In fact, Section 401 (2) Cr.P.C clearly lays down that no order under this section shall be made to the prejudice of the accused or any other person unless he has had an opportunity of being heard either personally or by pleader in his own defence. He further submits that the Revisional Court should have summoned the respondents and disposed of the revision petition after providing an opportunity of hearing to the respondents.

3. On the other hand, learned counsel appearing on behalf of respondent opposes the submissions made by learned counsel for the petitioner, however, he is not in a position to controvert the facts that the provisions of Section 401 (2) Cr.P.C were not followed by the Revisional Court.

4. I have heard learned counsel for the parties and perused the record carefully.

5. From the record, it is apparent that in the impugned order (Annexure P-5), it has been mentioned that the service of the respondents was dispensed with and the Revisional Court had apparently committed an illegal act by overlooking the mandatory provisions of Section 401 (2) Cr.P.C.

6. Thus, the impugned order dated 13.09.2019 (Annexure P-5) passed by the Court of Additional Sessions Judge, Amritsar is set aside and the criminal revision titled as “Kanwaljit Singh Vs. Daljit Singh and Ors.” is

ordered to be restored to its original position.

- 7. The Revisional Court is directed to decide the revision petition after hearing both the parties in the revision petition.
- 8. The petitioner as well as the respondents are directed to remain present before the Revisional Court on 27.05.2026.
- 9. The petition has been filed only by one accused namely Daljit Singh and it is expected that the other respondents No.2 to 7 shall also be served by the Revisional Court, before disposing of the revision petition.
- 10. The petition stands allowed in above terms.

28.04.2026
hitesh

(N.S.SHEKHAWAT)
JUDGE

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