

(2003) 02 P&H CK 0057

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. 3984-M of 1992

Mohinder Singh and Smt. Sato

APPELLANT

Vs

The State of Punjab and Devinder Singh

RESPONDENT

Date of Decision : 12-02-2003

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 307, 324, 326, 34

Citation : (2003) 02 P&H CK 0057

Hon'ble Judges : Viney Mittal, J

Bench : Single Bench

Advocate : Kanwaljit Singh, for the Appellant; Sandeep Jain, Assistant A.G., for the Respondent

Judgement

Viney Mittal, J.—The present petition u/s 482 CrPC has been filed by the petitioners for quashing of the complaint filed by respondent No. 2 under Sections 307, 326, 324, 34 IPC and further proceedings arising as a consequence of the aforesaid complaint. A copy of the complaint dated August 16, 1991 has been appended as Annexure P.2 with the present petition whereas the summoning order dated January 27, 1992 passed by the learned Sub Divisional Judicial Magistrate, Garshankar has been appended as Annexure P.3 with the petition.

2. At the outset, Shri Kanwaljit Singh, the learned counsel for the petitioners very fairly states that he wishes to withdraw this petition with liberty to file an appropriate application before the learned trial Magistrate for dropping of the criminal proceedings against them or their discharge.

3. I find that the stand adopted by Shri Kanwaljit Singh, the learned counsel for the petitioners is very just and fair.

4. Accordingly, the present petition is dismissed as withdrawn with the liberty to the petitioners to file an appropriate application before the learned trial

Magistrate for dropping of the criminal proceedings against them or their discharge. While filing the aforesaid application, the petitioners would be well within their rights to take up all such pleas, which have been raised by them in the present petition and all other defences which are available to them in accordance with law before the trial Magistrate. If any such application is filed by the petitioners within a period of six weeks from the date a certified copy of the order is received by them, then the learned trial Magistrate shall decide the same on merits after affording an opportunity of hearing to all concerned.

5. The personal presence of the petitioners before the trial Magistrate shall remain exempted during the course of trial. However, it shall be open to the learned trial Magistrate to secure the personal presence of the petitioners as and when the same is required in accordance with law.

6. Since the matter has remained pending in this Court for a sufficiently long time, therefore, the learned trial Magistrate is directed to conclude the proceedings in the case as expeditiously as possible and in any case not later than July 31, 2004.