



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

CRM-M-15989-2025

Date of Decision:07.04.2025

Ravi Nandan Goyal and Anr.

...Petitioners

vs.

State of Punjab and Anr.

...Respondents

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

Present: Mr. P.S Ahluwalia, Advocate with
Mr. Siddharth Sihag, Advocate
for the petitioners.

Mr. I.P.S Sabharwal, DAG, Punjab.

Mr. Bipin Ghai, Sr. Advocate with
Mr. Nikhil Ghai, Advocate and
Mr. Joban Singh Dhaliwal, Advocate
for respondent No.2.

N.S.Shekhawat J. (Oral)

1. The petitioners have filed the second petition under Section 528 of B.N.S.S with a prayer to quash the impugned complaint dated 18.04.2022 (Annexure P-1) as well as the summoning order dated 15.07.2024 (Annexure P-2) passed by the Court of Judicial Magistrate Ist Class, Malerkotla, whereby, the petitioners have been summoned to face trial for commission of the offences punishable under Sections 420 and 120-B of IPC.

2. On advance notice, Mr. I.P.S Sabharwal, DAG, Punjab has appeared on behalf of respondent No.1, whereas, Mr. Bipin Ghai, Sr. Advocate with Mr. Nikhil Ghai, Advocate have put in appearance on behalf of respondent No.2.

3. During the course of arguments, learned counsel for the petitioners submitted that the petitioners have been wrongly summoned under Sections 420 and 120-B of IPC by completely overlooking the material on record and the law laid down by the Hon'ble Supreme Court.

4. On the other hand, learned counsel appearing on behalf of respondent No.2 submits that the Trial Court wrongly held that the offence under Sections 403,406,409,467,468,471,477-A of IPC was not made out any of the accused and the prayer of the complainant to summon the accused under the said provisions of law was wrongly declined. Learned senior counsel further submits that the respondent No.2 had already filed a criminal revision i.e. CRR-104/2024 before the Revisional Court against the present impugned order.

5. Learned counsel for the parties have agreed that the present impugned order may be set aside on the basis of consent and the Trial Court may be directed to decide the issue of summoning afresh, after hearing both the parties on merits of the case. Further, learned senior counsel for respondent No.2 further submits that he shall move an appropriate application for withdrawal of the criminal revision petition, which is pending before the Revisional Court.

6. I find the prayer made by learned counsel for the petitioner and respondent No.2 to be fair and genuine and strictly on the basis of the consent given by the learned counsel for the parties, the impugned order dated 15.07.2024 (Annexure P-2) passed by the Court of Judicial Magistrate Ist Class, Malerkotla is set aside and the Trial Court is directed to decide the matter afresh on the point of summoning of the accused, after affording the opportunity of hearing to the petitioners as well as respondent No.2 in the present case.

7. It is clarified that this Court had not made any observations on the merits of the case and the parties shall be at liberty to raise their respective arguments in accordance with law.

8. Disposed of.

(N.S.SHEKHAWAT)
JUDGE

07.04.2025
hitesh

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