



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-A-686-2023 (O&M)  
DECIDED ON: 12.03.2025

GULSHAN LAL GULATI

.....APPLICANT

VERSUS

BALRAJ SINGH AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH.

Present: Mr. Sahir Singh Virk, Advocate,  
for the applicant.

**SANJAY VASHISTH, J (ORAL)**

1. Through an instant application, filed under Section 378(4) of Cr.P.C., applicant has prayed for grant of special leave to appeal, against the order of dismissal of private complaint No.COMI 6964 dated 29.07.2020, titled as 'Gulshan Lal Gulati vs. Balraj Singh and others', vide order dated 19.01.2023 passed by learned Judicial Magistrate 1<sup>st</sup> Class, Chandigarh.

2. On 10.03.2025, following order was passed by this Court:-

*“Learned counsel for the applicant needs to satisfy this Court as to how the application under Section 318(4) Cr.P.C., for grant of special leave to appeal would be maintainable, challenging the order dated 19.01.2023, whereby the complaint filed by him under Section 499/500 IPC was dismissed by learned Judicial Magistrate First Class, Chandigarh, by holding that no cogent and convincing evidence is available there against the accused for commission of offence under Section 499/500 IPC. Infact, it has been dismissed under Chapter XV of Cr.P.C. (complaints to Magistrate) by misusing its power under Section 203 Cr.P.C. The respondents (proposed accused) were not even summoned by the Court of learned Magistrate.*

*Counsel would also explain that how the findings recorded by learned Magistrate in paragraph No.12 is against the settled proposition of law.*

*List on 12.03.2025.*

*To be shown in the urgent list.”*

3. Today, counsel for the applicant, after reviewing the relevant provisions, submits that the appropriate course of action against the impugned order was to file a revision petition before the Court of Sessions, rather than submitting the present application before this Court. Thus, he seeks permission to withdraw the present application.

4. Dismissed as withdrawn.

5. However, considering the aspect that the applicant was pursuing his remedy before this Court, permission is granted to file revision petition before the concerned Court, and in case, any such revision petition is filed within a period of 30 days from today, same would be decided expeditiously, in accordance with law.

6. Pending miscellaneous applications, shall also stand disposed of.

**12.03.2025**

*Lavisha*

**(SANJAY VASHISTH)  
JUDGE**

*Whether speaking/reasoned*      *Yes/No*

*Whether reportable*              *Yes/No*