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

**CRM-15385-2025 IN/AND
CRA-AD-62-2018 (O&M)
Date of decision : 27.08.2025**

Rajni

...Appellant

Versus

State of Punjab and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU
HON'BLE MRS. JUSTICE RAMESH KUMARI**

Present: Mr. Sapan Dhir, Advocate (**through V.C.**) with
Ms. Raj Kaur, Advocate and
Ms. Pallavi Rani, Advocate for non-applicant-appellant.

Mr. Kuljit Singh, Addl. A.G., Punjab for respondent No. 1.

Mr. Hitesh Goyal, Advocate and
Mr. Jagbir Singh, Advocate for applicant/LR of respondent
No.2, namely, Gurjit Singh Virk.

MAHABIR SINGH SINDHU, J.

CRM-15385-2025

Application under Section 435 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') read with Section 528 of the BNSS to dispose off the present appeal as abated on the ground that respondent No. 2-Amarjit Singh Virk is no more and to place on record photocopy of his death certificate dated 25.10.2024 as well as Aadhar Card of applicant-Gurjit Singh Virk (son of respondent No.2) as Annexure P-2 (*colly*).



2. Notice of the application to non-applicant-appellant as well as respondent No.1.

3. Learned counsel for non-applicant-appellant and learned counsel for respondent No.1 accept notice and raise no objection to the prayer made in the application.

At the same time, learned counsel for the non-applicant-appellant, on instructions, submits that Civil Suit No. CS-595-2017 was filed by deceased respondent No.2-Amarjit Singh Virk before the Court of learned Civil Judge (Junior Division), SAS Nagar (Mohali) for claiming damages on account of malicious prosecution; but the plaint was rejected while accepting application under Order VII Rule 11 of the Code of Civil Procedure, 1908 vide order dated 29.07.2025. In such a scenario, the appellant has an apprehension that LR(s) of respondent No.2 may challenge the aforesaid order in future and that would be a big predicament for her.

Copy of the order dated 29.07.2025 is taken on record as mark 'X'. Registry to tag the same at appropriate place.

4. Faced with the above situation, learned counsel, on instructions from LR of respondent No.2, namely, Gurjit Singh Virk, who is present in Court, submits that as on today, he or any other LR of respondent No.2 is/are not willing to challenge the aforesaid order; nor any such challenge would be made in future.

5. In view of the above, learned counsel for appellant, on instructions, submits that he is satisfied with the stand taken by LR of respondent No.2, namely, Gurjit Singh Virk.



6. Consequently, present application is allowed, as prayed for, subject to all just exceptions. P-2 (*colly*) is taken on record.

7. Registry to tag the same at appropriate place.

Main case

Present appeal has been preferred by victim-R for setting aside the impugned judgment dated 19.12.2016 passed by learned Sessions Judge, SAS Nagar (Mohali) in FIR No. 88 dated 13.07.2011, under Sections 376, 420, 506 of the Indian Penal Code, 1860 and Sections 25 & 27 of the Arms Act, 1959, registered at Police Station, Phase-I, Mohali.

2. In view of the order of even date passed in CRM-15385-2025, present appeal is disposed off as having been abated in view of the fact that accused/respondent No.2 died on 25.10.2024.

3. LR(s) of deceased respondent No.2 shall remain bound by the undertaking (*supra*).

Pending application(s), if any, shall also stand disposed off.

(MAHABIR SINGH SINDHU)
JUDGE

(RAMESH KUMARI)
JUDGE

27.08.2025

Harish Kumar/SN

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No