

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

(116)

CRM-M-21846-2021(O&M)  
Date of Decision: 28.02.2023

Umesh Bansal

...Petitioner

Versus

M/s Dewan Housing Finance Corporation Ltd. &amp; anr. ...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Jag Jot Singh, Advocate, for  
Mr. Kunal Dawar, Advocate, for the petitioner.

Mr. Harsh Chopra, Advocate, for the respondents.

\*\*\*\*

HARKESH MANUJA, J.(ORAL)

By way of present petition filed under Section 482 Cr.P.C., petitioner prays for quashing of orders dated 09.03.2018 (Annexure P-1) as well as 04.04.2018 (Annexure P-2) passed by the Courts below.

In the present case, the petitioner filed a complaint under Sections 420, 406, 467, 468, 471, 34, 120-B IPC against the respondents including few others wherein they were summoned vide order dated 10.07.2017 passed by the trial Court. Aggrieved thereof, respondents filed criminal revision which was disposed of by the Court of learned Additional Sessions Judge, Faridabad, vide order dated 09.03.2018. The relevant portion thereof is reproduced hereunder:

*“13. The learned trial Court has failed to appreciate above said facts, hence, impugned order qua the revisionist is not sustainable and the present revision is hereby allowed and impugned order is hereby set aside qua revisionists. However, the learned trial is directed to pass a fresh order qua revisionist in accordance with law.”*

In furtherance thereof, the trial Court vide order dated 04.04.2018, decided to delete the name of the respondents from the summoning order. The operative portion therefrom is reproduced as under:

*“.....Order from ld. Appellate Court received wherein impugned order passed by this court has been set aside the revisionist i.e. accused No.8 and 9. Taking into consideration and going through the order passed by Ld. Appellate court, the proceedings qua accused No.8 and 9 are dropped and reader of this court is directed to delete the name of these revisionist from the summoning order.....”.*

By way of present petition, challenge has been made to the aforesaid two orders dated 09.03.2018 and 04.04.2018. Learned counsel for the petitioner submits that the order dated 04.04.2018 passed by the trial Court in pursuance of the order dated 09.03.2018 passed by the Additional Sessions Judge, Faridabad was made in most mechanical manner by giving no reason in support thereof. He also submits that even the revision petition filed by the respondents impugning the summoning order was barred by limitation and the same could not have been entertained.

On the other hand, learned counsel representing the respondents submits that the impugned order was passed way back in the year 2018 whereas the present petition has been filed as an afterthought in May, 2021 and the same thus, could not be entertained on account of delay and latches. He further submits that even on merits, a perusal of the complaint shows that no offence at all is made out against the respondents and as such, the order dated 04.04.2018 passed by the trial Court does not warrant any interference.

I have heard learned counsel for the parties and gone through the paper book. I am unable to find any substance in the submissions made on

In the present case, apparently, the impugned orders passed way back in March and April 2018 and the present revision petition invoking Section 482 Cr.P.C. has been filed in May, 2021, apparently, after a period of more than 3 years of the same, thus, the same cannot be entertained being hit by delay and latches. More than that, from a perusal of the entire complaint filed at the instance of petitioner, no offence at all is made out against the respondents who simply financed the flat in question in favour of petitioner under a tri-party agreement and therefore, summoning of petitioner was wholly uncalled for.

In view of the discussion made hereinabove, finding no merits in the present petition, the same is accordingly, dismissed.

(HARKESH MANUJA)  
JUDGE

28.02.2023

anil

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