

SURESH GOYAL VS STATE OF HARYANA AND ANOTHER

Present: Mr. Chetan Mittal, Sr. Advocate with
Mr. Naresh Jain, Advocate, for the petitioner.

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The petitioner has approached this Court praying for quashing of complaint No.COMI/27/2018 dated 17.03.2018 filed by defendant No.2-JMIC, Panchkula under Section 340 Cr.P.C. and also for quashing of summoning order dated 04.06.2019 passed by JMIC, Panchkula, whereby the petitioner has been summoned to face trial under Sections 193, 196, 197, 198, 199, 200, 201, 202, 203, 209, 409, 420, 120-B IPC and all the consequent proceedings arising therefrom.

It has been contended by learned senior counsel that the filing of the complaint and the summoning by the Court is totally without jurisdiction. He has submitted that as per the provisions of Section 340 Cr.P.C., the Court concerned was the Court of Civil Judge, where the original proceedings were pending. He submits that at the fag end of those proceedings, though the petition under Section 340 Cr.P.C. was filed, but the same was never pursued by the complainant, however, subsequently after the decision of the appeal, the petition was filed before the Judicial Magistrate, which is totally without jurisdiction. He has relied upon the judgment of this Court in case of Dr. Madan Lal Kakkar, Senior Medical Officer vs. The State of Punjab, Law Finder Doc Id# 184627 and has submitted that the proceedings against the petitioner, who is a counsel on the panel of the Bank, are totally unsustainable in the eyes of law.

Notice of motion for 16.05.2023.

Notice regarding stay as well.

Mr. B.S. Virk, Deputy Advocate General, Haryana, accepts notice on behalf of the State.

Service of respondent No.2 be effected through *dasti* process also.

(RAJESH BHARDWAJ)
JUDGE

27.04.2023
sharmila