

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.492 OF 2017

BHAGWAN SINGH ... APPELLANT(S)

VS.

INDERJEET & ORS. ... RESPONDENT(S)

O R D E R

Heard the learned counsel appearing for the appellant.

The appellant is the first informant in the First Information Report lodged on 7<sup>th</sup> April, 2011 for the offences punishable under Section 363, 366-A, 302 and 201 of the Indian Penal Code, 1860. A charge-sheet was filed on 19<sup>th</sup> June, 2011 only against one Jaiveer. We are informed that the trial against the said Jaiveer proceeded and he has been convicted.

During the pendency of the trial, the appellant filed an application under Section 319 of the Code of Criminal Procedure, 1973 (for short, "the CRPC") for summoning the private respondents. The learned Sessions Judge by a detailed order dated 17<sup>th</sup> January, 2012 rejected the application. The appellant preferred a Criminal Revision Application before the High Court against the said order on 26<sup>th</sup> March, 2012. He also filed

a private complaint before the learned Judicial Magistrate First Class against the private respondents and the police officials. The summoning order was passed by the learned Magistrate. As the appellant also filed a private complaint as aforesaid, the High Court disposed of the Revision Application as infructuous.

Being aggrieved by the summoning order, the private respondents filed a petition under Section 482 of the CRPC before the High Court for challenging the order issuing summons in the private complaint. By the impugned judgment, the High Court has quashed the summoning order and the private complaint mainly on the ground that after the application under Section 319 of the CRPC was rejected, the learned Magistrate was not competent to entertain the private complaint and summon the same persons as accused against whom the prayer was made under Section 319 of the CRPC, and was rejected. Secondly, it was held that while filing the complaint, the appellant suppressed the fact that his application under Section 319 of the CRPC was dismissed on merits.

The High Court also noted that the Revision Application preferred by the appellant against the order rejecting the application under Section 319 of the CRPC was dismissed as infructuous on the ground that the summoning order was passed on the complaint. Therefore, the High Court has granted liberty to the appellant to file an application seeking revival of the Revision

Application as a consequence of the order of the High Court of setting aside the order issuing summons.

We may note here that this appeal remained pending in this Court for more than 10 years. It will be open for the appellant to bring this factor to the notice of the High Court when he applies for revival of the Revision Application.

Therefore, we find no error in the view taken by the High Court and the appeal is accordingly dismissed.

.....J.  
(ABHAY S.OKA)

.....J.  
(UJJAL BHUYAN)

NEW DELHI;  
January 09, 2025.

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Criminal Appeal No(s). 492/2017

BHAGWAN SINGH

Appellant(s)

VERSUS

INDERJEET &amp; ORS.

Respondent(s)

Date : 09-01-2025 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA

HON'BLE MR. JUSTICE UJJAL BHUYAN

For Appellant(s)

Mr. Shantanu Sagar, AOR  
Mr. Keshav Khandelwal, Adv.  
Mr. Anil Kumar, Adv.  
Mr. Gunjesh Ranjan, Adv.

For Respondent(s)

Mr. R K Kapoor, Adv.  
Ms. Aakriti Kapila, Adv.  
Mr. Rajat Kapoor, Adv.  
Ms. Shweta Kapoor, Adv.  
Ms. Kheyali Singh, AOR  
  
Dr. Hemant Gupta, A.A.G.  
Mr. Akshay Amritanshu, AOR  
Ms. Pragya Upadhyay, Adv.  
Ms. Drishti Saraf, Adv.UPON hearing the counsel the Court made the following  
O R D E RThe appeal is dismissed in terms of the signed  
order.Pending application, if any, also stands disposed  
of.(ANITA MALHOTRA)  
AR-CUM-PS(AVGV RAMU)  
COURT MASTER

(Signed order is placed on the file.)