

State Vs. Gurmail Singh CHI-741-2019
CNR no.PBMO030045512019

Present: Mrs. Gunwantjit Manesh Addl. PP for the State, assisted by
Sh. Pawan Kumar Sharma Advocate, counsel for the
complainant.
Accused on bail with counsel Sh. Vishal Jain Advocate.

This order of mine shall dispose of an application filed by complainant Jinderpal Singh duly forwarded by learned APP for the State for initiating the PO proceedings against the accused Arvinder Singh son of Gurmail Singh and Priya Kaur daughter of Gurmail Singh, both residents of street no.09, Janta Colony, Rampura Phool, District Bathinda now residing at Australia. It is averred in the application that present FIR has been registered on the statement of complainant against Arvinder Singh, Priya Kaur, Gurmail Singh and Paramjit Kaur and in these days, said Arvinder Singh and Priya Kaur are residing in Australia. Both the said accused are well aware about the pendency of present FIR and they did not appear before this court intentionally. The accused persons namely Gurmail Singh and Paramjit Kaur are also having knowledge about the residential address of accused Arvinder Singh and Priya Kaur. Earlier, accused Gurmail Singh and Paramjit Kaur have filed application for taking permission to go Australia for finding the suitable match for their daughter Priya Kaur and from the said fact, it is clear that both the accused Arvinder Singh and Priya Kaur are not appearing before this court intentionally. Hence, the present application.

2. In reply, learned counsel for the accused submitted that present application is not maintainable and the complainant has no locus standi to file the present application. Proceedings under Section 105-B Cr.P.C have been initiated against the accused Arvinder Singh and Priya Kaur and same are pending. At the end, a prayer for dismissal of application is made.

3. I have heard the submissions of both the sides and have gone through the case file. The present application has been filed by the complainant for initiating the PO proceedings against the accused Arvinder Singh and Priya Kaur now residing in Australia. However, perusal of the record reveals that vide order dated 17.08.2023 passed by learned Predecessor of this court, application filed by prosecution under Section 105-B Cr.P.C qua the service of said accused has already been disposed of. Since, said application under Section 105-B Cr.P.C qua the service of said

accused has already been disposed of, as such, present application in hand is not maintainable. Moreover, if the complainant is not satisfied with said order dated 17.08.2023, he can file revision against the said order. Accordingly, in view of above discussion, this court is of the firm opinion that the present application is not maintainable and same is hereby dismissed.

4. Now, case is adjourned to 18.07.2024 for recording statement of accused under Section 313 Cr.P.C.

Announced in open Court:-
Dated:- 11.07.2024
(Lovish, Stenographer G-II)

(Pushpa Rani), PCS,
Addl. Chief Judicial Magistrate,
Moga/UID No.PB0279