



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

**CRM-M No.19220 of 2018 (O&M)**

**Reserved on: 20.05.2026**

**Pronounced on: 25.05.2026**

**Uploaded on: 26.05.2026**

*Whether only operative part of the judgment is  
Pronounced or the full judgment is pronounced: operative part/full judgment*

**Rajbir Dahiya**

**...Petitioner**

**Versus**

**Parveen Kumar**

**...Respondent**

**CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU**

Argued by:- Mr. Parveen Kaushik, Advocate  
for the petitioner.

Mr. Keshav Pratap Singh, Advocate and  
Mr. Namish Sodhi, Advocate  
for the respondent.

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**MANDEEP PANNU, J.**

1. Petition under Section 482 Cr.P.C. for quashing the impugned order dated 18.04.2018 (Annexure P-10) passed by learned Additional Sessions Judge, Faridabad, whereby order dated 27.09.2017 (Annexure P-9) passed by learned Judicial Magistrate Ist Class, Faridabad, in Complaint Case No.28 dated 20.02.2018 titled as "*Parveen Kumar versus Rajbir Dahiya*" under Sections 406, 420, 506 read with Section 34 IPC, Police Station Suraj Kund, District Faridabad, was set aside, and for upholding/restoring the order dated 27.09.2017 passed by learned JMIC, Faridabad, in the interest of justice.



2. The brief facts necessary for adjudication of the present petition are that initially, a complaint under Sections 406, 420 and 506 read with Section 34 IPC was instituted by respondent-Parveen Kumar against three accused persons, namely Rajbir Dahiya, Surender Singh and Dharambir Singh before the Court of learned Judicial Magistrate Ist Class, Bahadurgarh. Upon consideration of the preliminary evidence, the accused persons were summoned to face trial. Thereafter, after recording of pre-charge evidence, all the accused persons were discharged vide order dated 08.08.2013 passed by learned JMIC, Bahadurgarh under Section 245 Cr.P.C. Aggrieved against the said order, the complainant preferred a revision petition and the revisional Court remanded the matter back to the trial Court for fresh consideration.

3. Pursuant to the remand order, learned trial Court reconsidered the matter and framed charges against accused Rajbir Dahiya, who is the present petitioner. Thereafter, the case proceeded further and the complainant led his evidence. The witnesses were duly cross-examined and even defence evidence was also led by the accused. The matter ultimately reached the stage of final arguments. However, at the stage of final arguments, learned JMIC, Bahadurgarh examined the issue of territorial jurisdiction and vide order dated 30.05.2015 held that no part of cause of action had arisen within the territorial jurisdiction of Bahadurgarh Courts and that the Courts at Faridabad alone had jurisdiction to entertain and try the complaint. Consequently, learned Magistrate ordered return of the complaint under Section 201 Cr.P.C. for presentation before the Court of



competent jurisdiction at Faridabad.

4. The complainant challenged the aforesaid order dated 30.05.2015 by filing a revision petition before learned Additional Sessions Judge, Jhajjar. The said revision petition came to be dismissed vide judgment dated 06.06.2016, whereby the order passed by learned JMIC, Bahadurgarh returning the complaint under Section 201 Cr.P.C. was upheld. While dismissing the revision petition, learned revisional Court specifically directed that the complaint along with all material evidence and documents relied upon by the complainant be returned for presentation before the Court of competent jurisdiction. Aggrieved thereafter, the complainant approached this Court by filing a petition challenging the aforesaid orders. However, this Court vide order dated 26.08.2016 also upheld the orders passed by the Courts below and affirmed that the Courts at Bahadurgarh lacked territorial jurisdiction whereas the Courts at Faridabad possessed jurisdiction to entertain the matter.

5. Thereafter, the complainant moved an application before the Court of learned JMIC, Faridabad seeking permission for filing/presentation of the complaint before the Court of competent jurisdiction in pursuance to the orders passed by the Courts at Bahadurgarh, the revisional Court and this Court. In the said application, the complainant sought continuation of proceedings on the basis of the complaint and evidence already recorded earlier. Learned JMIC, Faridabad, however, vide order dated 27.09.2017 held that since the complaint had earlier been returned under Section 201 Cr.P.C., fresh cognizance of the matter was required to



be taken and the application moved by the complainant was liable to be treated as a complaint under Section 200 Cr.P.C. Learned Magistrate further directed the complainant to lead preliminary evidence afresh under Section 200 Cr.P.C., thereby declining to proceed on the basis of the evidence already recorded before the Court at Bahadurgarh.

6. Aggrieved against the aforesaid order dated 27.09.2017, the complainant preferred a revision petition before learned Additional Sessions Judge, Faridabad. Learned revisional Court vide impugned order dated 18.04.2018 allowed the revision petition and set-aside the order dated 27.09.2017 passed by learned JMIC, Faridabad. While relying upon Section 326 Cr.P.C., learned revisional Court held that the competent Court at Faridabad could proceed on the basis of the evidence already recorded before the Court at Bahadurgarh and that de novo recording of evidence was not required. The petitioner has now approached this Court by way of the present petition under Section 482 Cr.P.C. challenging the legality and correctness of the impugned order dated 18.04.2018 passed by learned Additional Sessions Judge, Faridabad.

7. Learned counsel for the petitioner has vehemently contended that the impugned order dated 18.04.2018 passed by learned Additional Sessions Judge, Faridabad is wholly illegal, perverse and contrary to the settled provisions of law. It is argued that learned revisional Court has gravely erred in invoking the provisions of Section 326 Cr.P.C. while setting aside the well reasoned order dated 27.09.2017 passed by learned JMIC, Faridabad. It is contended that initially, the complaint under



Sections 406, 420 and 506 read with Section 34 IPC was filed at Bahadurgarh against three accused persons and after prolonged proceedings, including recording of pre-charge evidence, framing of charge, recording of prosecution evidence as well as defence evidence, learned JMIC, Bahadurgarh ultimately held that the Courts at Bahadurgarh lacked territorial jurisdiction and consequently, returned the complaint under Section 201 Cr.P.C. for presentation before the Court of competent jurisdiction at Faridabad vide order dated 30.05.2015. The said order was thereafter affirmed by the revisional Court as well as by this Court. Learned counsel for the petitioner has further argued that once the complaint was returned under Section 201 Cr.P.C. on the ground that the Court at Bahadurgarh was not competent to take cognizance and try the complaint, all proceedings conducted before the said Court became non-est in the eyes of law and no reliance could legally be placed upon the evidence recorded by a Court lacking territorial jurisdiction. It is submitted that after return of the complaint, the complainant merely moved an application before the Court at Faridabad seeking permission to continue the earlier proceedings and no order of transfer under Section 407 Cr.P.C. was ever passed by any competent Court transferring the proceedings from Bahadurgarh to Faridabad. It is further contended that the proceedings before the Court at Faridabad could not be treated as continuation of the earlier proceedings before Bahadurgarh, rather the same amounted to a fresh institution before a Court of competent jurisdiction. It is argued that in such circumstances, fresh cognizance was necessarily required to be taken by learned



Magistrate at Faridabad and the complainant was rightly directed by learned JMIC, Faridabad to lead preliminary evidence under Section 200 Cr.P.C. Learned counsel has also submitted that Section 326 Cr.P.C. has no applicability to the facts of the present case inasmuch as the said provision applies only where a Judge or Magistrate is succeeded by another Judge or Magistrate in the same proceedings and the successor Court continues from the stage left by the predecessor Court. It is argued that the Court at Faridabad cannot be termed as a “successor Court” to the Court at Bahadurgarh because the case was never transferred under Section 407 Cr.P.C. and the earlier complaint itself had been returned under Section 201 Cr.P.C. for presentation before the competent Court. It is further argued that learned revisional Court failed to appreciate that even the parties before the two Courts were not identical inasmuch as initially, the complaint was filed against three accused persons, whereas before the Court at Faridabad proceedings were sought to be continued only against the present petitioner. Thus, according to the petitioner, learned revisional Court committed a patent illegality in directing continuation of proceedings on the basis of evidence recorded by a Court which itself had held that it lacked territorial jurisdiction to entertain the complaint.

8. Learned counsel for the respondent, on the other hand, has argued that the factual chronology of the case is not in dispute. It is not denied that learned JMIC, Bahadurgarh vide order dated 30.05.2015 returned the complaint under Section 201 Cr.P.C. for presentation before the Court of competent jurisdiction at Faridabad on the ground of territorial



jurisdiction and the said order was thereafter upheld by learned revisional Court vide judgment dated 06.06.2016 as well as by this Court vide order dated 26.08.2016. It has been argued that in pursuance to the aforesaid orders, the complainant merely moved an application before the Court at Faridabad for filing/presenting the complaint before the Court of competent jurisdiction and it was never a case of institution of a fresh complaint on a fresh cause of action. Learned counsel further submits that the very tenor of the application clearly reflected that the original complaint, along with the evidence and record already produced before the Court at Bahadurgarh, was sought to be presented before the competent Court in terms of the orders already passed by the Courts upto this Court. Learned counsel for the respondent has also argued that learned JMIC, Faridabad while passing the order dated 27.09.2017 wrongly proceeded on the assumption that a fresh complaint had been instituted at Faridabad and consequently, erred in observing that fresh cognizance was required to be taken and that the complainant was required to lead evidence afresh under Section 200 Cr.P.C. It is contended that the said approach was contrary to the spirit of the earlier orders whereby the complaint had merely been directed to be returned for presentation before the Court possessing territorial jurisdiction. It is further contended that learned Magistrate also erred in observing that the earlier proceedings conducted at Bahadurgarh had become non-est in the eyes of law merely because the complaint was returned on the ground of territorial jurisdiction. Learned counsel submits that the complaint had not been dismissed on merits nor had the proceedings been set aside by any



superior Court and, therefore, the evidence already recorded during the course of trial could not have been rendered nugatory. Learned counsel has further submitted that the mention of only one accused in the application moved before the Court at Faridabad was for the reason that after remand only the present petitioner had been charge-sheeted and proceedings had thereafter continued only against him. Thus, according to the respondent, there was no material alteration in the nature of proceedings so as to require commencement of an entirely fresh trial. It has also been argued that learned Additional Sessions Judge, Faridabad rightly appreciated that the proceedings before the competent Court at Faridabad were to continue from the stage at which the complaint had been returned and that there was no necessity to direct the complainant to again lead the entire evidence from the very beginning. Learned counsel submits that learned revisional Court correctly interpreted the effect of the orders passed by the Courts at Bahadurgarh, as affirmed upto this Court, and therefore, no illegality whatsoever is made out in the impugned order dated 18.04.2018.

9. I have heard learned counsel for the parties and have gone through the record carefully.

10. The core question which arises for determination in the present petition is as to whether, after the complaint had been returned under Section 201 Cr.P.C. by the Court at Bahadurgarh for presentation before the Court of competent territorial jurisdiction at Faridabad, the proceedings before the Court at Faridabad were required to commence de novo by treating the matter as a fresh complaint, or whether the complaint



was liable to proceed further from the stage at which it stood when it was returned by the Court lacking territorial jurisdiction.

11. The factual chronology of the case is substantially undisputed. Initially, the complaint under Sections 406, 420 and 506 read with Section 34 IPC was filed before learned JMIC, Bahadurgarh against three accused persons. After remand by the revisional Court, charges were framed against the present petitioner and evidence of both sides came to be recorded. However, at the stage of final arguments, learned JMIC, Bahadurgarh vide order dated 30.05.2015 held that the Courts at Bahadurgarh lacked territorial jurisdiction and accordingly, returned the complaint under Section 201 Cr.P.C. for presentation before the Court of competent jurisdiction at Faridabad. The said order was upheld by learned Additional Sessions Judge, Jhajjar vide judgment dated 06.06.2016 and thereafter, by this Court vide order dated 26.08.2016.

12. A perusal of the aforesaid orders leaves no manner of doubt that the complaint itself was directed to be returned to the complainant for presentation before the competent Court and the proceedings were never ordered to be wiped out or annulled on merits. Rather, the spirit of the orders passed by the revisional Court as well as affirmed by this Court was that the complaint was required to continue before the Court having competent territorial jurisdiction.

13. It is also significant that the complainant did not institute a fresh complaint on a separate cause of action before the Court at Faridabad. What was moved before learned JMIC, Faridabad was an application



seeking presentation/continuation of the complaint before the Court of competent jurisdiction in terms of the earlier orders passed by the Courts at Bahadurgarh and affirmed upto this Court. Therefore, learned JMIC, Faridabad was not justified in proceeding on the premise that a completely fresh complaint had been instituted requiring fresh cognizance and recording of evidence afresh under Section 200 Cr.P.C.

14. The mere fact that the complaint was returned on the ground of territorial jurisdiction would not *ipso facto* render the entire evidence recorded during the course of proceedings non-est in the eyes of law, particularly when neither the proceedings nor the evidence had ever been set aside by any superior Court. The purpose of return of complaint under Section 201 Cr.P.C. was only to enable presentation of the same before the Court possessing territorial jurisdiction and not to obliterate the proceedings already conducted. Learned Additional Sessions Judge, Faridabad, therefore, rightly held that the complaint was liable to proceed from the stage at which it stood at the time of its return by the Court at Bahadurgarh and that there was no requirement for the complainant to again lead the entire evidence afresh.

15. In view of the aforesaid discussion, this Court finds no illegality, perversity or jurisdictional error in the impugned order dated 18.04.2018 passed by learned Additional Sessions Judge, Faridabad warranting interference in exercise of inherent jurisdiction under Section 482 Cr.P.C.

16. Consequently, finding no merit in the present petition, the



same is hereby dismissed. The impugned order dated 18.04.2018 passed by learned Additional Sessions Judge, Faridabad is upheld. Learned trial Court shall proceed further with the complaint from the stage at which the same stood at the time of its return by the Court at Bahadurgarh and shall make endeavour for expeditious disposal of the case in accordance with law.

17. However, nothing observed herein shall be construed as an expression on the merits of the case.

18. All pending applications, if any, also stand disposed of.

25.05.2026

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(MANDEEP PANNU)  
JUDGE

*Whether speaking/reasoned:* Yes/No

*Whether Reportable:* Yes/No