

113+350

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

CRM-M-1448-2008 (O&M)

Date of decision: 12.08.2015

Ram Bhajan

... Petitioner

Vs.

State of Punjab and ors.

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Kewal Krishan, Advocate for
Mr. Hemant Bassi, Advocate
for the petitioner.

Mr. Daljit Singh Virk, AAG, Punjab.

Mr. Munish Jolly, Advocate for
Mr. S.S. Salar, Advocate
for respondents No.2 to 4.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner, by way of instant petition under Section 482 of the Code of Criminal Procedure ('Cr.P.C.' for short), seeks quashing of impugned orders dated 27.02.2007 (Annexure P-5) and order dated 03.03.2005 (Annexure P-4), whereby respondents No.2 to 4 were discharged in case arising out of FIR No.77 dated 27.05.2003.

Learned Sub Divisional Judicial Magistrate, Amloh, while passing the impugned order dated 03.03.2005 found it to be a case of civil nature and accordingly the accused persons were discharged. Feeling aggrieved, State of Punjab filed a revision petition against the abovesaid order dated 03.03.2005 but the said revision petition also came to be dismissed by the learned

Additional Sessions Judge, Fatehgarh Sahib vide impugned judgment 27.02.2007 (Annexure P-5). Hence this criminal miscellaneous petition, at the hands of complainant.

Notice of motion was issued vide order dated 28.11.2008 and thereafter, the petition was admitted for regular hearing vide order dated 09.08.2010.

During the pendency of the present petition, respondent No.3 has filed CRM-25203-2015 seeking permission of the Court to place on record judgment and decree dated 21.07.2014 as Annexures R-2/4 and R-2/5 as well as sought for exemption from filing certified copies thereof.

After hearing the learned counsel for the parties, instant application is allowed, for the reasons stated therein. Documents are permitted to place on record. Exemption sought is granted.

Learned counsel for respondents No.2 to 4 refers to partnership deed (Annexure P-1), whereby Smt. Usha Rani was partner to the extent of 60% whereas Sh. Rajesh Gupta, son of the petitioner was partner to the extent of 40%, which is so recorded at page 15 of the paper book. He also refers to the judgment dated 21.07.2014 passed by the learned Additional Civil Judge (Senior Division), Amloh in Civil Suit No.131 of 08.04.2003 (Usha Rani Vs. Rajesh Gupta and another), whereby suit has been decreed, declaring the plaintiff entitled for dissolution of firm and rendition of accounts of the firm known as M/s Bajrangbali Steel Corporation, Mandi Gobindgarh. Plaintiff Smt. Usha Rani has been held entitled for 60% share, whereas the defendant No.1 Sh. Rajesh Gupta has been entitled for 40% share, as per the abovesaid partnership deed.

In view of the abovesaid material development having been taken

place during the pendency of the present petition, instant petition does not survive and the same is disposed of, as having been rendered infructuous.

12.08.2015
vishnu

[RAMESHWAR SINGH MALIK]
JUDGE