

**In the High Court of Punjab and Haryana, at Chandigarh**

**Criminal Misc. No. M-22130 of 2014**

**Date of Decision: 12.5.2015**

Yogesh Nalkar

... Petitioner(s)

Versus

Bhunesh Goyal

... Respondent(s)

**CORAM: Hon'ble Mr. Justice Darshan Singh.**

Present: Mr. Rajesh Bansal, Advocate  
for the petitioner(s).

Mr. Akshay Kumar Goel, Advocate  
for the respondent.

**Darshan Singh, J.**

Learned counsel for the petitioner submits that he may be permitted to withdraw the present petition with liberty to the petitioner to move an application before the trial Court for return of the complaint as per the ratio of law laid down by the Hon'ble Supreme Court in ***Dashrath Rupsingh Rathod v. State of Maharashtra and Another 2014(3) R.C.R. (Criminal) 904***. He also submits that in the meanwhile, proceedings before the trial Court may be ordered to be stayed.

In view of the above circumstances, the present petition is hereby dismissed as withdrawn with the liberty aforesaid. In case, the requisite application is moved before the trial Court by the petitioner within 15 days from today, the trial Court will first decide the application moved by the petitioner before taking up any other proceeding. It is also made clear that all the other pleas the petitioner taken in this petition, shall also be available to him before the trial Court as well.

**(Darshan Singh)**  
**Judge**

**May 12, 2015**

“DK”