

In the High Court of Punjab and Haryana at Chandigarh

PARAMJIT KAUR SAINI
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I attest to the accuracy and
authenticity of this document

CRM-M-5352 of 2015

Date of Decision: 20.02.2015

M/s Desire Clothing and another

---Petitioners

versus

Nahar Industrial Enterprises Limited

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Atul Goyal, Advocate
for the petitioners**

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in the Digest?

REKHA MITTAL, J.

The present petition filed under Section 482 of the Code of Criminal Procedure (in short "Cr.P.C.") lays challenge to order dated 31.1.2015 passed by the Judicial Magistrate Ist Class, Ludhiana whereby the application filed by the petitioners for clubbing 07 complainants filed under Section 138 of the Negotiable Instruments Act, 1881 in respect of 07 separate cheques has been dismissed.

During the course of hearing, counsel for the petitioners was directed to apprise the Court about the stage of 07 complaints filed by the respondent as the said factum has not been disclosed in the petition. Counsel has submitted that one of these cases has already matured for final hearing and is fixed for 25.2.2015 for final disposal. In some other cases, evidence has already been concluded by the complainant party. It appears to me that since one of the cases has matured for final disposal, the

petitioners filed the application with an intent to delay disposal of the complaint cases which has already matured or likely to mature shortly for final disposal. It further appears to the Court that action of the petitioners to seek clubbing of complaints smacks of mala fide therefore, they do not deserve indulgence of this Court in exercise of jurisdiction under Section 482 Cr.P.C., to be used sparingly to secure ends of justice or prevent abuse and misuse of process of Court.

Dismissed.

(REKHA MITTAL)
JUDGE

20.02.2015

PARAMJIT