

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

Crl. Misc. M-37780 of 2016 (O&M)  
Date of Decision: 21.10.2016

Smt. Nirmala

...Petitioner

Versus

State of Haryana and another

...Respondents

**CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR**

Present:- Mr. J.P. Sharma, Advocate  
for the petitioner.

**JAISHREE THAKUR, J. (Oral)**

The instant petition has been filed to challenge the impugned order dated 17.08.2016 passed by the learned Additional Sessions Judge, Narnaul, vide which the revision petition against the order dated 11.01.2016, dismissing the application filed under Section 319 Cr.P.C., was dismissed.

Learned counsel for the petitioner contends that a Criminal Case No.280 of 2013 came to be filed in the court of Judicial Magistrate Ist Class, Mahendergarh, in which, an application was preferred under Section 319 Cr.P.C. and the said application was dismissed vide order dated 11.01.2016. Against the dismissal of the application, a Revision Petition No.5 dated 04.02.2016, was preferred. In the meantime, the main criminal case came to be decided, in which, the accused was acquitted of all the charges framed. The petitioner/complainant aggrieved against the said

judgment of acquittal, preferred an appeal on 12.07.2016 before the learned Additional Sessions Judge, Narnaul. However, inadvertently, the counsel appearing on behalf of the petitioner/complainant in the revision petition against the order of dismissal of application under Section 319 Cr.P.C., made a statement that revision petition had been rendered infructuous and such statement made would prejudice the complainant, since the appeal against acquittal of the accused was already pending before learned Additional Sessions Judge, Narnaul.

I have heard learned counsel for the petitioner and noted that it was on a statement made by counsel for the petitioner/complainant itself, that revision petition came to be decided. Faced with this, learned counsel for the petitioner seeks permission to withdraw the instant petition with liberty to approach the Court below, to move an appropriate application for withdrawal of the said statement.

In view of the fact that the statement was suffered by counsel for the petitioner itself, this court is not inclined to interfere in the matter. However, liberty is given to the petitioner to move an appropriate application before the concerned court and it is directed that in case the petitioner prefers any such application then, the said application may be decided as expeditiously as possible, in accordance with law.

Dismissed as withdrawn, with aforesaid direction.

**21.10.2016**

*vijay saini*

**(JAISHREE THAKUR)  
JUDGE**

Whether speaking/reasoned  
Whether reportable

Yes  
Yes/No