

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

**Criminal Misc.No.M-38467 of 2014(O&M)
Date of Decision : 18th October, 2016**

Samrat Nayak and another

..... Petitioners

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. K.S.Nalwa, Advocate
for the petitioners.

Mr. Deepak Grewal, DAG, Haryana
for the respondent(s)-State.

AJAY TEWARI, J. (Oral)

The petitioners have preferred the instant petition under Section 482 Cr.P.C., for setting aside the order dated 22.09.2014, passed by the learned Addl. Sessions Judge, Gurgaon, in Criminal Revision No.37/2014 and to quash the order dated 07.01.2013, passed by the learned Judicial Magistrate Ist Class, Gurgaon, in case FIR No.121/2011 titled as 'State vs. B.Nayak and another'.

On 23rd May, 2016, this Court passed the following order:-

“Learned counsel for the petitioners submits that it was a minor dispute with the neighbour and the compromise was effected before the police. Petitioner No.1 was working at Patna. In the absence of the petitioners, they were declared as proclaimed offender and now the petitioners want to appear before trial Court .

The petitioners are directed to appear before trial Court and seek regular bail from trial Court within 10 days.

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Adjourned to 07.07.2016.

The operation of the order dated 07.01.2013 is stayed.”

Learned counsel for the petitioners states that pursuant to the aforesaid order, the petitioners have appeared before the learned trial Court and have been released on regular bail.

Learned State counsel also accepts that once the petitioners have appeared and are facing the trial, the impugned order dated 07.01.2013, can be set aside.

In these circumstances, I find no reason to keep the order dated 07.01.2013 alive.

Consequently, the instant petition is allowed and the impugned order dated 07.01.2013 is set aside.

18th October, 2016

mamta

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No