

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

**CRM No. M-13784 of 2017 (O&M)
Date of Decision: 25.04.2017**

Gajender Pathak & another

--Petitioners

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Yash Dev Kaushik, Advocate for the petitioners.

TEJINDER SINGH DHINDSA, J.

Pleadings on record would indicate that vide order dated 15.05.2015 passed by the learned Judicial Magistrate 1st Class, Faridabad, Gajender Pathak, his wife Ishwarawati (petitioners No.1 and 2 herein) and their son Shivanand Pathak were charge sheeted for offence punishable under Sections 420/406/448 IPC read with Section 34 IPC.

Shivanand Pathak is stated to have already expired.

A revision petition filed by the present petitioners stands partly allowed vide order dated 23.08.2016 passed by Additional Sessions Judge, Faridabad. As per order passed by the revisional Court, petitioner No.1 stands charged for offence under Section 420 IPC read with Section 448 IPC and petitioner No.2 stands charge sheeted only qua offence punishable under Section 448 IPC.

The instant petition under Section 482 Cr.P.C. assails the order dated 23.08.2016 passed by the Additional Sessions Judge, Faridabad.

Counsel having argued the matter at some length prays for withdrawal of the same with liberty to raise all pleas that may be available with the petitioners in accordance with law before the trial Court.

As per submission and prayer made by counsel, the instant petition is dismissed as withdrawn.

It is, however, observed that in case petitioner No.2, who is a lady, aged 50 years files an application seeking personal exemption, it would be expected from the Court to deal with the same sympathetically.

Disposed of.

25.04.2017

Harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

- | | | |
|-----|----------------------------|-----|
| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | No |