

CRM-M-31413-2016

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

(Sr. No.265)

CRM-M-31413-2016

Date of Decision:-May 11, 2017

Pamwi Tissues Ltd.

.....Petitioner

V/S

Anil Kumar

.....Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present : Mr. Ashim Aggarwal, Advocate for the petitioner.

Mr. S.S. Sarwara, Advocate, for the respondent.

A.B. Chaudhari, J. (Oral)

The petitioner has filed the present petition under Section 482 of Code of Criminal Procedure, 1973 for quashing of order dated 03.08.2016 passed in CRM-354/2011 arising out of Complaint No.104/09.06.2004 by the Judicial Magistrate 1st Class, Rajpura alongwith all its consequential proceedings.

Heard.

Vide order dated March 09, 2017 this Court had stayed the operation of the impugned order. Now, the order dated March 09, 2017 is made absolute in terms thereof.

Learned counsel for the petitioner prays for refund of amount of ₹90,000/- which has been deposited in this Court in compliance of order dated March 09, 2017, since according to him, he is noway concerned in the pending case in the trial Court.

Prima facie, I find substance in his contention. However, since the impugned order operated against the petitioner, it would be appropriate to ask the petitioner to furnish undertaking on affidavit that in case any

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eventuality arises, the petitioner would deposit the said amount of ₹90,000/- in this Court. Subject to above, filing an undertaking on affidavit to this Court, the petitioner is allowed to withdraw the amount of ₹90,000/-. Registry is directed pay back the amount of ₹90,000/- accordingly to the petitioner, subject to his filing undertaking on affidavit as aforesaid within two weeks from today.

Disposed of.

May 11, 2017

Pankaj

(A.B. Chaudhari)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No