

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

**CRM-M No.17760 of 2016 (O&M)
Date of Decision: 01.11.2018**

Rajesh Mehra and another

..... Petitioners

Versus

FRP Services & Co. India Pvt. Ltd.

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Mayur Kanwar, Advocate for
Mr. Manish Jain, Advocate for the petitioners.

None for the respondent.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed for quashing of Criminal Complaint No. 357/2015 dated 07.06.2012 (**Annexure P-1**), filed under Section 138 of the Negotiable Instruments Act, 1881 (*for short 'Act'*) as well as summoning order dated 31.08.2012 (**Annexure P-2**).

It transpires that despite service, no-one is appearing on behalf of the sole respondent.

It is contended by learned Counsel for the petitioners that petitioner No.1-Rajesh Mehra is physically challenged to the extent of 100%, whereas petitioner No.2-Rita Mehra is about 80 years of age. It is further contended that neither they are signatory of the cheque in question; nor there is any liability on their part.

Be that as it may, the complaint is pending against the other co-accused and whatever plea is available to the petitioners that can be raised before learned trial Court, however, it is not appropriate for this Court to examine the factual aspect of the matter under Section 482 Cr.P.C.

Therefore, both the petitioners are relegated to put their plea before learned trial Court, however, keeping in view the fact that petitioner No.1 is 100% physically disabled and petitioner No.2 is 80 years of age, their personal appearance before learned trial Court shall remain exempted subject to the following conditions:-

- (i) petitioners shall be represented through Counsel;*
- (ii) shall not delay/stall the trial proceedings;*
- (iii) shall not dispute their identity as accused;*
- (iv) shall have no objection if the prosecution evidence is recorded in their absence, but in the presence of their Counsel;*
- (v) shall appear before learned trial Court as and when required;*
- (vi) any other condition which the learned trial Court may impose.*

Disposed off with the above terms.

November 01, 2018

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(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>No</i>