

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-43517-2018 (O&M)

Date of decision: 03.10.2018

J.R. Agrotech Pvt. Ltd. and another

...Petitioners

Versus

M/s Arora Trading Company

...Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Ritesh Pandey, Advocate
for the petitioners.

ARVIND SINGH SANGWAN, J.

Prayer in this petition is for quashing of criminal complaint No.7176 dated 26.09.2017 titled as Arora Trading Company Vs. J.R. Agrotech and another filed under Section 138 of the Negotiable Instruments Act and all the subsequent proceedings arising therefrom.

Learned counsel for the petitioners submits that despite a valid compromise between the parties, the complainant, out of 09 complaints, has withdrawn only 03 complaints and backed out from the compromise. At this stage, he submits that he may be permitted to withdraw the present petition with liberty to the petitioners to move an application for discharge along with all the supporting documents and personal appearance of the petitioners before the trial Court may be exempted permanently during pendency of the trial in view of the judgment of the Hon'ble Supreme Court in **M/s Meters**

and Instruments Private Limited and anr. Vs. Kanchan Mehta, 2017 (4) RCR (CrI.) 476.

After hearing learned counsel for the petitioners, this petition is disposed of, by granting exemption from personal appearance to the petitioners before the trial Court subject to the following conditions: -

- (i) *they will appear before the trial Court and the trial Court will release them on bail, in case they have not appeared so far;*
- (ii) *they will be represented by a counsel;*
- (iii) *they will not delay/stall the proceedings of the trial Court;*
- (iv) *they will not dispute their identity as accused;*
- (v) *they will have no objection if the prosecution evidence is recorded in their absence but in presence of their counsel;*
- (vi) *they will appear before the trial Court as and when required by the trial Court and any other condition which the trial Court may impose.*

In case the petitioners file an application for discharge within a period of 15 days from today, the trial Court will decide the same expeditiously in accordance with law, preferably within a period of three months from the date of receipt of certified copy of this order.

Disposed of, accordingly.

[ARVIND SINGH SANGWAN]
JUDGE

03.10.2018
vishnu

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No