

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

**CRM-M No.49835 of 2018 (O&M)
Date of Decision: 10.12.2018**

Mintu Singha Roy

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Ashok Singla, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab
for respondent No.1/State.

Mr. Preetwinder Singh Dhaliwal, Advocate for respondent No.2.

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition under Section 482 Cr.P.C. has been filed praying for quashing of FIR No.104 dated 01.04.2016 (**Annexure P-1**), under Sections 420, 467, 468, 471 of the Indian Penal Code (Section 201, IPC added later on), registered at Police Station City Barnala, District Barnala along with all consequential proceedings arising therefrom.

On the last date of hearing i.e. 15.11.2018, while issuing notice of motion, this Court passed the following order:-

“ Learned Counsel for the petitioner submits that although report under Section 173 Cr.P.C. was submitted wayback on 21.03.2017, but charges have not been framed by learned trial Court.

Notice of motion for 10.12.2018.

Dasti as well.

In case, the above assertion is found to be incorrect, the exemplary costs would be imposed. ”

Today, learned Counsel for respondent No.2 has produced the certified copies of the zimini orders, passed by learned Chief Judicial Magistrate, Barnala, which clearly stipulates that challan under Section 173 Cr.P.C. in the present case was presented before the Court of competent jurisdiction wayback on 21.02.2018.

In view of above, it is apparently clear that incorrect statement was made on behalf of the petitioner while issuing notice of motion on 15.11.2018 and this Court was inclined to dismiss the present petition with exemplary costs.

Faced with the situation, learned Counsel for the petitioner wishes to withdraw the present petition.

After taking a lenient view in the matter, this Court allow the petition to be withdrawn.

Dismissed as withdrawn.

December 10, 2018

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**(MAHABIR SINGH SINDHU)
JUDGE**

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