

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

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CRM-M-9899-2018
Date of Decision: 08.03.2018

Malwa Motors through its proprietor Jagtar Singh

...Petitioner

Versus

Modern Workshop through its proprietor Bhupinder Singh

...Respondents

CORAM:- HON'BLE MR. JUSTICE SUDHIR MITTAL.

Present:- Mr. Abhishek Singla, Advocate
for the petitioner.

SUDHIR MITTAL, J. (Oral)

This petition has been filed for quashing of order dated 12.12.2017 (Annexure P-1) whereby the application for discharge filed by the petitioner-accused on the ground that the affidavit sworn by the complainant was defective, has been rejected.

It is the submission of the learned counsel for the petitioner that the affidavit filed by the complainant was liable to be rejected as the verification was not in accordance with law. He has taken me through the impugned order to contend that the learned trial Court has acted illegally in rejecting his application.

Having gone through the impugned order, I do not find any illegality in the same. It is settled law that an improper verification is only an irregularity which is curable. It has also been so observed by the trial Court by relying upon the judgment of the Hon'ble Supreme Court. Further, the complainant has been given opportunity to cure the defect and petitioner has been granted two opportunities to cross-examine him thereafter. Thus, it cannot

be said that the impugned order is illegal and that the petitioner is entitled for discharge.

The petition being mis-conceived, is accordingly dismissed.

(SUDHIR MITTAL)
JUDGE

March 08, 2018
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>