

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

**CRM-M No.789 of 2019
Decided on: 10.01.2019**

Monika Sharma

....Petitioner

Versus

Daya Nand and another

....Respondents

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Neeraj Gupta, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for quashing of complaint bearing No.41 of 2017 dated 08.03.2017 (Annexure P1), filed under Section 138 of the Negotiable Instruments Act, 1881 and all other subsequent proceedings arising therefrom.

Learned counsel for the petitioner, at the very outset, submits that he may be permitted to withdraw the present petition with liberty to the petitioner to move an application for discharge along with all the supporting documents and personal appearance of the petitioner 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 another vs. Kanchan Mehta”***, 2017 (4) RCR (Crl.) 476.

After hearing learned counsel for the petitioner, this petition is disposed of, by granting exemption from personal appearance to the petitioner before the trial Court subject to the

following conditions: -

- (i) she will be represented by a counsel;*
- (ii) she will not delay/stall the proceedings of the trial Court;*
- (iii) she will not dispute her identity as accused;*
- (iv) she will have no objection if the prosecution evidence is recorded in her absence but in presence of her counsel;*
- (v) she 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 petitioner 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 03 months from the date of receipt of certified copy of this order.

Disposed of, accordingly.

(ARVIND SINGH SANGWAN)
JUDGE

10.01.2019

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Whether speaking/reasoned Yes/No

Whether reportable: Yes/No