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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3015-2019 (O&M)
Date of decision : 23.1.2019

BBF Home Care Products Ltd and another **Petitioners**

Versus

Anita Goyal **Respondent**

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

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

1. *Whether the Reporters of local newspaper may be allowed to see the judgment ?*
2. *To be referred to the Reporter or not.*
3. *Whether the judgment should be reported in the digest ?*

KULDIP SINGH J. (ORAL)

Heard.

Petitioners have challenged the summoning order dated 1.12.2016 (Annexure P-2) passed in a complaint filed under Section 138 of the Negotiable Instruments Act, 1881 as well as quashing of the order dated 4.12.2018, passed by Sub Divisional Judicial Magistrate, Dhuri vide which an application filed under Section 264 of the Code of Criminal Procedure for discharging him was dismissed.

After going through the impugned order dated 1.12.2016 (Annexure P-2), I am of the view that once the application filed by respondent-Anita Goyal under Section 264 of the Code of Criminal Procedure is allowed the order dated 4.12.2018 passed by learned Sub Divisional Magistrate, Dhuri, summoning the petitioners will go. Therefore, the decision on the application under Section 264 of the Code of Criminal Procedure will decide the matter. Though, this Court has concurrent revisional powers but ordinarily petitioners should approach the Sessions Court first.

Accordingly, petitioners are relegated to avail the remedy against the order dated 04.12.2018, passed by learned Sub Divisional Magistrate, Dhuri (Annexure P-6) before the Sessions Court first.

Disposed of.

23.1.2019

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(KULDIP SINGH)
JUDGE

Whether speaking / reasoned	Yes
Whether Reportable:	No