

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

CRM-M-10456 of 2018(O&M)

Date of Decision:27.02.2019

Rachna Garg and another

....Petitioners

Versus

Garg Ice Factory

....Respondent

CORAM:HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Rohit Neel Kamal, Advocate for
Mr. Rupam Aggarwal, Advocate for the petitioners.

Mr. Ramandeep, Advocate
for the respondent.

MAHABIR SINGH SINDHU, J.(Oral)

Present petition has been filed under Section 482 Cr.P.C.
for quashing of the criminal complaint No. 23 dated 25.02.2016 under
Section 138 of the Negotiable Instruments Act, 1881 and summoning
order dated 10.08.2017 alongwith all consequential proceedings
arising therefrom.

Learned counsel for the petitioners confines his prayer
only regarding the exemption from personal appearance qua petitioner
No.1 during trial and wishes to withdraw the present petition
regarding other reliefs claimed therein.

Prayer seems to be justified and accepted.

In view of the above, the present petition is dismissed as

withdrawn with liberty to take recourse to the remedy available under law. However, petitioner No.1-Rachna Garg is at liberty to appear through her counsel before learned trial Court until the stage of recording of statement under Section 313 Cr.P.C., but it is made clear that in case any adverse order is passed against her, she shall not raise any grievance against the same, subject to the following conditions:-

- (i) petitioner shall be represented through Counsel;*
- (ii) shall not delay/stall the trial proceedings;*
- (iii) shall not dispute their identity as accused;*
- (iv) shall have no objection if the prosecution evidence is recorded in their absence, but in the presence of their Counsel;*
- (v) shall appear before learned trial Court as and when required;*
- (vi) any other condition which the learned trial Court may impose.*

[MAHABIR SINGH SINDHU]
JUDGE

February 27, 2019
rashmi

Whether speaking/reasoned	yes/no
Whether reportable?	yes/no