

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

CRM-M No.2396 of 2016 (O&M)

Date of decision: 20.02.2019

Subhash Chand Sharma

....Petitioner

Versus

Sanjay Thakran

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Aman Pal, Advocate
for the petitioner.

Ms. Nupur Choudhary, Advocate
for the respondent.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for quashing of the complaint bearing No.20-RBT dated 10.10.2014 (Annexue P4) and for setting-aside the order dated 10.10.2014 (Annexure P6) passed by the trial Court.

The complaint initially filed at Gurugram and thereafter, the same was returned back to the complainant in view of the judgment of the Hon'ble Supreme Court of India "***Dashrath Rup Singh Rathod vs State of Maharashtra***", 2014 Criminal Law Journal 4350 and thereafter, the same was filed at Rewari.

Counsel for the parties are *ad idem* that in view of the Notification No.7 of 2015, which came in existence w.e.f. 15.06.2015, the complaint which is now pending before the Judicial Magistrate Ist Class, Rewari is liable to be transferred back to Gurugram.

Counsel for the petitioner reserve his right to take all the legal pleas/defences during the course of trial and restrict his argument

only to the extent that at this stage, this petition may be disposed of and the complaint be transferred to the competent jurisdiction of the Court at Gurugram.

Counsel for the complainant has no objection to the legal submissions made by counsel for the petitioner.

Accordingly, this petition is disposed of with liberty to the petitioner to take all the legal pleas/defences during the course of trial. The complaint be transferred to the competent jurisdiction of the Court at Gurugram.

The parties through their counsel are directed to appear before the Chief Judicial Magistrate, Gurugram on 25.03.2019 for further proceedings.

(ARVIND SINGH SANGWAN)
JUDGE

20.02.2019
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No