

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-23571-2017 (O&M)

Date of Decision:- 29.1.2019

Anish Khanna

... Petitioner

Versus

Dinay Bhatia

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Saurabh Arora, Advocate, for the petitioner.

Mr. Rishab Gupta, Advocate, for the respondent.

GURVINDER SINGH GILL, J. (Oral)

1. By way of filing this petition, petitioner challenges complaint No.2528, dated 24.5.2016 and all subsequent proceedings arising therefrom.
2. Learned counsel for the petitioner submits that the petitioner filed application seeking his discharge mainly on the ground that the complaint was filed beyond limitation inasmuch as the complaint was not filed within 45 days of receipt of notice.
3. The petition is however being opposed by learned counsel for the respondent on the ground that an identical application seeking dismissal of complaint on grounds of limitation was earlier dismissed

by trial Court in the year 2016 and that a similar application filed on second occasion had also been dismissed vide order dated 18.4.2017 (Annexure P-9) passed by learned Judicial Magistrate (Jr. Divn.), Gurugram. It has further been pointed out by learned counsel for the respondent that the evidence is complete and the matter is almost at the fag end before the trial Court.

4. Having heard the learned counsel for the parties, the petition is disposed of with liberty to the petitioner to raise all the points raised herein including the issue as regards limitation before the trial Court at the stage of final hearing.

January 29, 2019
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No