

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

(i) CRM No.M-27621 of 2017 (O&M)

M/s Super Haryana Roadlines

...Petitioner

VERSUS

M/s Shiv Shakti Roadlines

...Respondent

(ii) CRM No.M-27625 of 2017 (O&M)

M/s Super Haryana Roadlines

...Petitioner

VERSUS

M/s Shree Vrindavan Logistics Pvt Ltd.

...Respondent

Date of Decision: August 21, 2019

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Gopal Sharma, Advocate
for the petitioner.

Mr.Akshay Jindal, Advocate
for the respondents.

INDERJIT SINGH, J.

Both the above-mentioned cases are taken up together as point
for determination in these cases is the same.

The petitioner has filed these petitions under Section 482

Cr.P.C. for quashing of orders dated 01.06.2017 passed by learned Judicial

Magistrate Ist Class, Panipat, in criminal complaints No.904 and 905 both dated 27.10.2014, whereby applications for permission to place the cheque on the file after taking the same from other file, has been declined.

Notice of motion was issued. Learned counsel for the respondents appeared and contested these petitions.

I have heard learned counsel for the parties and have gone through the record.

The main point in both the cases is that complainant filed applications before learned trial Court that the cheque and memo pertaining to one case has been tagged in another case. It is not disputed that both the cases were filed by the same complainant on the same day. Learned counsel for the petitioner contended that due to inadvertence, the documents of first case were placed on second case and documents of second case were tagged with first case.

It is settled law that the Court should do substantial justice between the parties and should not go into the technicalities of law. The evidence has been produced. The documents are already before the Court. Both the cases are filed on the same date by the same complainant but inadvertently, documents have been placed wrongly of one case in another case. If the documents are now placed correctly on the files, it will not cause any prejudice to the respondents. The petitioner is nowhere asking for any amendment in the complaints.

Therefore, to do substantial justice and in the interest of justice, the applications filed by the complainant-petitioner should have been allowed, which have been wrongly dismissed by the trial Court.

In view of the above discussion, the orders dated 01.06.2017

passed by learned JMIC, Panipat, in criminal complaints No.904 and 905 both dated 27.10.2014, are not as per law and the same are set aside.

Finding merit in both the petitions, the same are allowed and accordingly, the applications filed by the petitioner also stand allowed.

August 21, 2019	(INDERJIT SINGH)
Vgulati	JUDGE
Whether speaking/reasoned	Yes
Whether reportable	No