

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

CRM-M-4158 of 2018(O&M)

Date of Decision:27.02.2019

Rachna Garg and another

....Petitioners

Versus

Suresh Kumar

....Respondent

CORAM:HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

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

Mr. Manish Kumar Singla, 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. 176 dated 30.11.2015
under Section 138 of the Negotiable Instruments Act, 1881 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withdrawn with liberty to take recourse to the remedy available under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
Whether reportable?

yes/no
yes/no