

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

**CRM-M No.44137 of 2019  
Decided on: 17.10.2019**

Uday Structural and Engineers Private Limited

....Petitioner

Versus

M/s. Katyal and Company

....Respondent

**CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN**

**Present :** Mr. Vivek Sethi, Advocate  
for the petitioner.

**ARVIND SINGH SANGWAN, J. (Oral)**

Prayer in this petition is for quashing of criminal complaint bearing No.NACT/210/2019 dated 07.01.2019, filed under Section 138 of the Negotiable Instruments Act, 1881.

Counsel for the petitioner has further submitted that the petitioner – Uday Structural and Engineers Private Limited is a private entity from Uday Engineers, a proprietorship firm, which had a dealing with the complainant – M/s. Katyal and Company. It is further argued that the cheques in dispute were issued by the proprietorship firm and not by the petitioner – Company. It is also submitted that even the notices have been issued to the petitioner – Company and not to the proprietorship firm.

Counsel for the petitioner, at this stage, submits that he may be permitted to withdraw the present petition with liberty to the petitioner to move an application for discharge along with all the supporting documents and personal appearance of the petitioner before the trial Court may be exempted permanently during pendency of the

trial in view of the judgment of the Hon'ble Supreme Court in "***M/s Meters and Instruments Private Limited and another vs. Kanchan Mehta***", 2017 (4) RCR (CrL.) 476.

After hearing learned counsel for the petitioner, this petition is ordered to be dismissed as withdrawn, by granting exemption from personal appearance to the petitioner before the trial Court subject to the following conditions: -

- (i) *he will be represented by a counsel;*
- (ii) *he will not delay/stall the proceedings of the trial Court;*
- (iii) *he will not dispute his identity as an accused;*
- (iv) *he will have no objection if the prosecution evidence is recorded in his absence but in presence of his counsel;*
- (v) *he will appear before the trial Court as and when required by the trial Court and any other condition which the trial Court may impose.*

In case, the petitioner file an application for discharge within a period of 15 days from today, the trial Court will decide the same expeditiously in accordance with law, preferably within a period of 06 months from the date of receipt of certified copy of this order.

The trial Court is also directed to decide the application for discharge on merits without raising an objection regarding the maintainability of the same.

**(ARVIND SINGH SANGWAN)**  
**JUDGE**

**17.10.2019**

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Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No