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

CRM-M-5735-2022

Date of decision : 11.02.2022

M/s Angad Fruit Ranch Private Limited and others

...Petitioners

Versus

Gurmeet Kaur

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Naveen Bawa, Advocate for the petitioners.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 of Cr.P.C. for quashing of Criminal Complaint No.NACT/3940 of 2021 dated 27.04.2021 (Annexure P-1) titled as Gurmeet Kaur Vs. M/s Angad Fruit Ranch Pvt. Ltd. and others as well as summoning order dated 02.06.2021 (Annexure P-2), whereby the petitioners have been summoned to face trial for an offence under Section 138 of the Negotiable Instruments Act, 1881 and all the consequential proceedings arising therefrom.

After arguing for sometime, learned counsel for the petitioners seeks permission of this Court to withdraw the present petition with liberty to the petitioners to take up all the points as raised in the present petition and available to them, at the relevant stage before the trial Court.

In view of the above, the present petition is dismissed as withdrawn with liberty aforesaid.

Learned counsel for the petitioners has further submitted that since petitioner No.2 is lady and has children to take care of and is resident of Ludhiana whereas the proceedings are going on in Chandigarh and petitioner No.3 is an old person of 64 years of age and is also resident of Ludhiana whereas the proceedings are pending in Chandigarh, thus, prays that personal appearance of petitioner Nos.2 and 3 before the trial Court may kindly be exempted.

Keeping in view the abovesaid facts as stated by learned counsel for the petitioners that petitioner No.2 is lady and has children to take care of and is resident of Ludhiana whereas the proceedings are going on in Chandigarh and petitioner No.3 is an old person of 64 years of age and is also resident of Ludhiana whereas the proceedings are pending in Chandigarh, thus, the personal appearance of petitioner Nos.2 and 3 before the trial Court is exempted, subject to the following conditions:-

- i) they shall be represented through their 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 the trial Court as and when required by the trial Court;
- vi) any other condition which the trial Court may impose.

11.02.2022*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**