

CRM-M-32002 of 2022

Date of Decision: 09.08.2022

Sharad Bajaj and others

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Prateek Rathee, Advocate,
for the petitioners.

Dr. Sumiti Jund, Advocate,
for respondents no. 2 to 4.

AMOL RATTAN SINGH, J. (ORAL)

This petition has been filed under the provisions of Section 482 of the Cr.P.C. seeking the setting aside/quashing of the impugned order dated 26.02.2020, passed by the learned Judicial Magistrate First Class, Gurugram, in Complaint Case No. 629 of 2019, dated 11.12.2019, titled as '**Corporate Landlord India Private Ltd.** vs. **State**, whereby the JMIC allowed the above mentioned complaint and directed the police to register an FIR under the relevant provisions of law.

Even before learned counsel for the petitioners started to address arguments, Dr. Sumiti Jund, Advocate, appears for respondents no. 2 to 4 and points to paragraph 3 (xiii) of the petition to submit that against the impugned order of the learned JMIC, Gurugram, dated 26.02.2020, the petitioners have already filed CRR No. 105 of 2020 under Section 397/400 of the Cr.P.C, which is till pending before the Additional Sessions Judge, the petitioners cannot avail of two remedies at the same time.

Learned counsel for the petitioners however submits that that petition may not be maintainable and therefore this petition has been filed “as a “precautionary measure” because if that petition is withdrawn, the respondent-State would arrest the petitioners immediately.

That petition was obviously filed two years ago and at this stage why this court should interfere as regards the order impugned in that petition, is not at all understood and consequently, this petition is dismissed.

However, if that petition is dismissed by the learned Sessions Judge/Additional Sessions Judge, Gurugram, only on grounds of maintainability, the petitioners be not arrested for a period of one week only thereafter.

Naturally, any adjournment sought by the petitioners in that petition would be dealt with appropriately by that court.

August 09, 2022
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No.