

119+259 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-35106-2023 in/and
CRM-M-2268-2019

Date of decision: 05.09.2023

M/s Saini Developers and Promoters and others

...Petitioners

Versus

Kul Bhushan Jain

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. A.D.S. Sukhija, Advocate
for the petitioners.

Mr. Kshitij Sharma, Advocate
for the respondent.

VIKAS SURI, J. (ORAL)

CRM-35106-2023

Application under Section 482 Cr.PC seeking to place on record copy of order dated 20.07.2023 passed in CRM-M-25554-2019 as (Annexure P-11), has been filed.

Notice of the application.

Mr. Kshitij Sharma, Advocate accepts notice on behalf of the respondent and submits that the respondent has no objection to the said order being taken on record. It is further submitted that in fact there was six connected cases between the same parties and two of them have been disposed of vide similar orders, one being order dated 20.07.2023 (Annexure P-11).

CRM stands disposed of.

Main case

The prayer in the present petition is for quashing of the complaint No.138/16110/2017 dated 29.03.2017 (Annexure P-1) filed under Section 138

of Negotiable Instruments Act, 1881; order dated 21.04.2017 (Annexure P-2) whereby the petitioners have been summoned to face the trial; and order dated 16.10.2018 (Annexure P-10) whereby the application seeking discharge, has been dismissed.

Learned counsel for the parties are *ad idem* that order dated 16.10.2018 (Annexure P-10) passed by the learned Judicial Magistrate Ist Class, Gurugram is not on merits and they have no objection if the same is set aside and the trial Court is directed to decide the application afresh, on merits.

Learned counsel for the petitioners prays that the petitioners be permitted to take all the pleas, as taken before this Court in the instant petition and the right to approach this Court be kept open.

In view of the above, the present petition is allowed in the aforesaid terms and resultantly, impugned order dated 16.10.2018 (Annexure P-10) is set aside and the case is remitted back to the trial Court with a direction to pass order afresh, within a period of two months from the date of receipt of a copy of this order.

Disposed of.

05.09.2023

Parveen kumar

(VIKAS SURI)
JUDGE

Whether speaking/reasoned :Yes/No
Whether reportable :Yes/No