

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

121

CRM-M-3750-2023

Date of decision: 19.12.2023

SACHIN SEHGAL AND ANR

....Petitioners

Versus**STATE OF HARYANA AND ANOTHER**

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Shobit Phutela, Advocate
for the petitioners.

Mr. Bhupender Singh, DAG, Haryana.

KULDEEP TIWARI. J.(Oral)

Through the present petition, under Section 482 of Cr.P.C, prayer is made for quashing/setting aside the impugned proceedings in NACT No.5927/2016 titled as Vandana Farms & Resorts Pvt. Ltd. V. M/s Star Mineral Resources Pvt. Ltd., filed on 07.05.2016, before the learned Judicial Magistrate First Class, Gurgaon (Annexure P-1).

The summoning order was passed way back in the year 2016. A specific query was put to the learned counsel for the petitioners that how come after a huge delay, the present petition has been filed. To which, learned counsel for the petitioners respond that they were not aware about the institution of this complaint, and they got to know about the pendency of this complaint only before the National Company Law Tribunal, and thereupon, they caused appearance before the learned trial Court concerned, and sought regular bail and the petitioners were granted the benefit of regular bail. Learned counsel for the

petitioners further submits that thereupon, the petitioners filed an application for discharge, which was not found favour by the learned trial Court concerned.

The next query, which was put to the learned counsel for the petitioners is with regard to the alternate remedy available, for seeking quashing of order dated 20.05.2016. To which, learned counsel for the petitioners fairly submits that there is alternate remedy, but because of the delay, they opted to file the present petition.

This Court, at this stage, do not want to interfere specifically when the petitioners have alternate remedy by instituting statutory revision against the summoning order before the appropriate Court, therefore, the petitioners are relegated before the learned Revisional Court concerned, and is granted liberty to file motion before the learned Revisional Court concerned. In case such a revision is filed along with an application for condonation of delay, the learned Revisional Court concerned may consider all the circumstances, as narrated above in a most sympathetic way and under the four corners of law.

Disposed of accordingly.

19.12.2023
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No