

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

(236)

CWP-5182-2021

Date of decision: - 09.08.2023

Manpreet Kaur**....Petitioner****Versus****National Dairy Research Institute Karnal and another****.....Respondents****CORAM : HON'BLE MR. JUSTICE VIKAS BAHL**

Present:- Ms. Mandeep Kaur, Advocate (Legal Aid Counsel)
for the petitioner.

Mr. Naveen Chopra, Advocate
for respondents No.1 and 2.

VIKAS BAHL, J. (ORAL)

1. Present writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari thereby quashing the impugned order dated 10.03.2016 (Annexure P-4) issued by respondent No.2.
2. A perusal of the said order would show that the FIR has been registered against the petitioner for indulging in fraudulent activities and accordingly, the petitioner was expelled.
3. The petitioner was primarily seeking the quashing of the impugned order on the ground that the petitioner was not made an accused in the report of Section 173 Cr.P.C. and the application under Section 319 Cr.P.C. filed by respondent No.4 for summoning the petitioner has been dismissed by the trial Court.
4. Learned counsel appearing on behalf of respondents No.1

and 2 has submitted that the order dismissing the application under Section 319 Cr.P.C. has been set aside, vide order dated 13.05.2022 (Annexure R-1) passed by the Additional Sessions Judge, Karnal, which is subsequent to the filing of the present writ petition and the matter has been remanded back to the trial Court.

5. Learned counsel for the petitioner could not rebut the said aspect and has submitted that the petitioner be permitted to withdraw the present writ petition with liberty to file a fresh writ petition in case the application under Section 319 Cr.P.C. is dismissed.

6. Keeping in view the above-said facts and circumstances, the petitioner is permitted to withdraw the present writ petition, at this stage, however, liberty is granted to the petitioner to file a fresh writ petition on the same cause of action in case application filed by respondent No.4 is rejected by the trial Court or by any other Court.

August 09, 2023
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No