

**CRM-M-19566-2023 and
CRM-M-19568-2023**

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

202

Date of decision: 17.11.2023

1. CRM-M-19566-2023

AMAN MITTAL AND ORS

...Petitioners

Versus

M/S BALDEV RAJ SHAM DASS

...Respondent

AND

2. CRM-M-19568-2023

AMAN MITTAL AND ORS

...Petitioners

Versus

M/S BALDEV RAJ SHAM DASS

...Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Aalok Jagga, Advocate,
for the petitioners in both the petitions.

Mr. Vipin Mahajan, Advocate,
for the respondent in both the petitions.

RAJBIR SEHRAWAT, J. (Oral)

1. This common judgment shall dispose of two petitions i.e.
CRM-M-19566-2023 and CRM-M-19568-2023.

2. CRM-M-19566-2023 has been filed under Section 482
Cr.P.C., for setting aside the order dated 02.03.2023 passed by the Judicial
Magistrate Ist Class, Batala, in complaint case bearing CIS

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No.NACT/372/2018 dated 21.05.2018, titled as 'M/s Baldev Raj Vs. M/s Gurdaspur Overseas and Others, whereby an application moved by the defence for issuance of direction to the Court to immediately seal the cheque bearing No.346497 dated 07.04.2018 and to send the same to Central Forensic Science Laboratory to examine the genuineness and authenticity of signatures on the same, has been declined at this stage; being not maintainable.

3. At the very outset, learned counsel for the respondent-complainant submits that the only apprehension of the petitioners is that if the report of the handwriting expert is not available now and, thus, is not put to the complainant during his cross-examination, then the complainant could, possibly, take the objections that the same cannot be read in evidence because the same was not put to the complainant during his cross-examination. However, the complainant relinquishes his right to take this objection qua any report of FSL, if any, that such report should not be read in evidence only; for the reason that it was not put to him during the cross-examination.

4. In view of the above, learned counsel for the petitioners submits that if the respondent-complainant is bound-down to his undertaking as mentioned above, then he has instructions to submit that the present petition be permitted to be withdrawn.

5. Dismissed as withdrawn.

6. However, the respondent-complainant would be bound by the abovesaid undertaking qua not raising the objection qua the FSL report, if

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any, only for the reason that the same was not put to the complainant during his cross-examination.

7. Photocopy of this order be placed on the file of connected case.

17.11.2023
parveen kumar

(RAJBIR SEHRAWAT)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No