

2023:PHHC:159785

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

201

CRM-M-25136-2019

Date of Decision : **December 13, 2023**

RITIKA NAYYAR

.....Petitioner

VERSUS

DANIEL BENJUMIN

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Vennet Sharma, Advocate for the petitioner.
Respondent in person.

KULDEEP TIWARI. J.(Oral)

1. Through the instant petition, prayer is made for quashing of complaint bearing No.NACT-6372/2017 dated 11.8.2017, titled as “Danniel Benjamin Vs. Ritika Nayyar” (Annexure P-3), as well as the summoning order dated 21.11.2017 (Annexure P-4).
2. Learned counsel for the petitioner has raised a number of disputed questions of facts, which cannot be adjudicated through the instant motion.
3. Faced with the above difficulty, the learned counsel for the petitioner submits that he may be allowed to withdraw the instant petition with liberty to raise all such pleas before the learned trial Court concerned at an appropriate stage.
4. Dismissed as withdrawn with aforesaid liberty.
5. Learned counsel for the petitioner further made a prayer that the petitioner being a lady, is unable to appear before the learned trial Court concerned, since the matter pertains to under Section 138 of the Negotiable Instruments Act, which is majorly a case of civil nature.

6. This Court cannot accept this prayer. However, in case the petitioner moves an application before the learned trial Court concerned for exemption from her personal appearance, the learned trial Court shall consider the prayer of exemption most sympathetically.
7. The asked for liberty is granted.

December 13, 2023		(KULDEEP TIWARI)
ajay-1		JUDGE
	Whether speaking/reasoned.	: Yes/No
	Whether Reportable.	: Yes/No