

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

284

CRM-M-25554-2019 (O&M)
Date of decision: 20.07.2023

SAINI DEVELOPERS AND PROMOTERS PVT. LTD. AND OTHERS

...Petitioners

Versus

KUL BHUSHAN JAIN

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Ashok Kumar Khubbar, Advocate for the petitioners.

Mr. Kshitij Sharma, Advocate and
Ms. Tamanna Banwala, Advocate for the respondent.

HARNARESH SINGH GILL, J. (ORAL)

Prayer in the petition is for quashing of order dated 16.10.2018 vide which the application for discharge of the petitioner has been dismissed by the learned Judicial Magistrate 1st Class, Gurugram in criminal complaint No.142 dated 27.01.2017 (CIS No.1465 of 2017) under Section 138 of the Negotiable Instruments Act and for setting aside all the subsequent proceedings arising therefrom.

Learned counsel for the parties are ad-idem that the order dated 16.10.2018 passed by the learned Judicial Magistrate 1st Class, Gurugram, is not on merits and they have no objection, if the learned trial Court is directed to decide the application for discharge, on merits.

In view of the above, the impugned order dated 16.10.2018 is set aside. The case is remitted back with a direction to the learned trial Court to pass a fresh order on merits, within two months from the date of receipt of a certified copy of this order.

Disposed of.

20.07.2023
Mangal Singh

(HARNARESH SINGH GILL)
JUDGE

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