

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

CRM-M-33848-2023

Date of decision :01.08.2023

M/S SHYAM OVERSEAS AND OTHERS**... Petitioner(s)****Versus****HARYANA AGRO INDUSTRIES CORP LTD.****...Respondent(s)****CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present: Mr. Arav Gupta, Advocate
for the petitioner(s).

Mr. Padamkant Dwivedi, Advocate
for the respondent.

JASJIT SINGH BEDI, J. (ORAL)

The prayer in the present petition under Section 482 Cr.P.C. is for quashing of the order dated 06.07.2023 (Annexure P-12) passed by the Additional Sessions Judge, Kurukshetra, whereby the application filed by the petitioners for staying proceedings in CRA No.14 of 2018 titled as M/s Shyam Overseas and Others Versus Haryana Agro Industries Corporation Ltd and another and to decide the said proceedings after the decision in Arbitration No.208 of 2019 titled as M/s Shyam Overseas and Others Versus Haryana Agro Industries Corporation Ltd and another, has been dismissed.

2. On 17.07.2023, the following order was passed:-

“The learned counsel for the petitioners contends that the petitioners was convicted by the Trial Court under Section 138 of the Negotiable Instruments Act against which an appeal was preferred which is pending before the Court of Additional District and Sessions Judge, Kurukshetra. As regards the same issue in hand, arbitration proceedings are also pending before the same Court. He contends that directions be issued to the Court

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to decide both the appeal arising out of a conviction under Section 138 of the Negotiable Instruments and the arbitration proceedings together so as to avoid the possibility of a conflict in the decisions.

Notice of motion for 01.08.2023.

Mr. Padamkant Dwivedi, Advocate accepts notice on behalf of the respondent. The copy of the paper-book be supplied to the counsel for the respondent during the course of the day.

In the meantime, further proceedings before the Trial Court shall remain stayed till the next date of hearing only.”

3. The learned counsel for the petitioners as also counsel for the respondent are *ad idem* that they will be satisfied if appropriate directions are issued to the Court of Additional Sessions Judge, Kurukshetra to decide the arbitration proceedings as also the appeal arising out of a conviction under Section 138 NI Act at the same time.

4. In view of the said contentions of counsel for both the parties, the present petition is disposed of with the directions to the Additional Sessions Judge, Kurukshetra to decide the proceedings in case Arbitration No.208 of 2019 titled as M/s Shyam Overseas and Others Versus Haryana Agro Industries Corporation Ltd and another and CRA No.14 of 2018 titled as M/s Shyam Overseas and Others Versus Haryana Agro Industries Corporation Ltd and another on the same day.

(JASJIT SINGH BEDI)
JUDGE

01.08.2023
JITESH

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No