

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

209

CRM-M-48877-2022
Date of decision: 17.04.2023

VINAY AGGARWAL

...Petitioner(s)

VERSUS

STATE OF HARYANA AND OTHERS

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Akshay Bhan, Sr, Advocate with
Mr. H.P.S Sandhu, Advocate and
Mr. Gugank Goyal, Advocate
for the petitioner.

Mr. Karan Sharma, DAG, Haryana.

Ms. Dakshita Deswal, Advocate
for respondent No. 3.

GURBIR SINGH, J. (ORAL)

Learned counsel for the petitioner has referred to the status report filed by way of affidavit of Kishori Lal, HPS, Assistant Commissioner of Police, Panchkula, on behalf of respondent Nos. 1 and 2. The para Nos. 2 and 3 of the status report are as under:-

“That the brief-facts of the case are that a complaint CMOFF/N/2022/093488 dated 16.08.2022 was filed by respondent No 3 against the petitioner and others. During the enquiry complainant and respondent were joined in the enquiry and their statements were recorded. From the statements it has been found that there was a work of medicines in a mutual partnership between the parties

and before this, disputes have been also raised between the parties for the work of the medicines. In this regard case FIR No. 42 dated 23.02.2022 under Section 323, 379, 380, 406, 420, 467, 468, 471 and 506 of IPC P.S. Sec 20 PKL District Panchkula has already been lodged against the respondent No 3 and the case is still under investigation. Nishan Shareen (Drug Officer) is a relative of Komal Khanna was also joined in the enquiry and his statement was also recorded. During the enquiry it has been found that a case has already been registered against the petitioner in Himachal Pradesh. From the facts matter was found of dispute of money between the parties. Therefore, both the parties are submitting complaints about the money against each other. From the statements the facts of forgery committed by the petitioner has not comes on record, From the facts no cognizable offence was found to be made out against the petitioner and the matter was found of civil nature. Therefore, both the parties were directed to approach before the Ld. Court. In this regard report was prepared on 27.09.2022 to file the complaint in the record. It is further submitted that on 28.10.2022 report was submitted on the CM Window and on 28.11.2022 the same has been disposed of by the concerned authority.

That the above said case came up for hearing on 10.11.2022 before this Hon'ble Court and the Hon'ble

Court directed to State to file the status report and further directed that in the meantime, the respondents are restrained from taking any coercive steps against the petitioner on the basis of above-mentioned complaint, without registration of the FIR.”

Learned counsel for respondent No.3 has filed copy of FIR No.0215 dated 29.10.2022 at P.S. Sector-20 Panchkula showing that FIR is already registered regarding the dispute in question.

Since the FIR has been registered, learned counsel for the petitioner submits that he may be allowed to withdraw the petition with liberty to take all pleas before the concerned Forum at appropriate stage.

Dismissed as withdrawn with liberty aforesaid.

(GURBIR SINGH)
JUDGE

17.04.2023
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Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No