

CRM-M-11748-2024  
Date of decision: 05.03.2024

Aliraza Masumali Bhavnagary and another ....Petitioners

## Versus

Prime Tankers LLC and another ...Respondents

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

**Present:** Ms. Khushika Setia, Advocate and  
Mr. Simranjeet S. Sarwara, Advocate  
for the petitioners.

**HARPREET SINGH BRAR, J. (ORAL)**

The present petition has been filed under Section 482 Cr.P.C. seeking quashing of criminal complaint filed under Section 138 of the Negotiable Instruments Act, 1881 bearing No. NACT/2879/2021 dated 12.03.2021 titled as 'Prime Tankers LLC Vs. AmafhhPetraxon India Private Limited' filed before the learned Chief Judicial Magistrate, U.T. Chandigarh (Annexure P-2) as well as quashing of summoning order dated 20.05.2022 (Annexure P-4) and all consequential proceedings arising therefrom.

Learned counsel for the petitioners wishes to withdraw the present petition with liberty to raise all the pleas taken in the present petition before the learned trial Court at the appropriate stage. However, she confines her prayer to the extent of seeking exemption of the petitioners from personal appearance before the learned trial Court as the petitioners are residents of Mumbai, whereas, the trial of the case is progressing at U.T. Chandigarh and attending trial on each and every date would cause great hardship and inconvenience to

them.

The instant petition is dismissed as withdrawn with the liberty aforesaid. However, in view of the ratio laid down by this Court in CRM-M-25963-2023 titled as 'Suresh Kumar and another Vs. The State of Haryana and another' 2023 (2) Law Herald 1498, the personal appearance of the petitioners before the learned trial Court is ordered to be exempted, subject to the following conditions:-

- i) petitioners shall be represented through their counsel;
- ii) shall not delay/stall the trial proceedings;
- iii) shall not dispute their identity as accused;
- iv) shall have no objection if the prosecution evidence is recorded in their absence but in the presence of their counsel;
- v) shall appear before the trial Court as and when required; and
- vi) any other condition, which the trial Court may impose.

(HARPREET SINGH BRAR)  
JUDGE

05.03.2024  
Neha

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