

2024:PHHC:050101

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

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CRM-M-22984-2023
Date of Decision : April 15, 2024

M/S SRI SAI CREATION AND ANOTHER

.....Petitioners

VERSUS

M/S GLAM CREATION

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. L.M.Gulati, Advocate
for the petitioners.

KULDEEP TIWARI, J. (Oral)

1. The issue which has been raised in the instant petition regarding quashing of complaint case No. COMA/43659 of 2002 and summoning order dated 31.10.2022, is purely a disputed questions of facts, which cannot be adjudicated by this Court by invoking the inherent powers as envisaged under Section 482 Cr.P.C., therefore, the instant petition is dismissed with liberty to raise all such pleas, as raised before this Court, before an appropriate forum/Court at an appropriate stage.

2. At this stage, the learned counsel for the petitioners submits that the issue, which has been raised, clearly depicts the innocence of the petitioner No.2, however, due to some technical legal issue, petitioner No.2 is now being subjected to the criminal trial. He further submits that though she is not avoiding the appearance before the learned trial Court concerned, however, considering that the petitioner No.2 is a unmarried lady and is maintaining herself by running a garment shop and therefore, it is very difficult for her to attend the proceedings before the learned trial

Court concerned, on each and every date of hearing. He further submits that the petitioner No.2, has no objection in case the evidence against her be recorded in the presence of her duly appointed counsel.

3. Though this Court cannot entertain such prayer without any specific application in this regard, however, considering the facts, which have been recorded above and other mitigating circumstances, this Court deems it fit and appropriate to pass direction upon the learned trial Court concerned that in case such an application for exemption is filed, the same shall be considered most sympathetically.

4. **Disposed** of accordingly.

April 15, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No