



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

CRM-M-26591-2024

Date of Decision : **05.07.2024**

KUNAL PURI

.....Petitioner

VERSUS

DHEERAJ YADAV

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Dhruv Gupta, Advocate,
for the petitioner.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition, prayer has been made for quashing of the complaint bearing No.NACT/40200/2021, dated 15.11.2021 (Annexure P-1), instituted under Section 138 read with Section 141/142 of the Negotiable Instruments Act, 1881, pending before the learned JMFC, Gurugram, as well as summoning order dated 10.06.2022 (Annexure P-5), vide which the petitioner has been summoned to face trial in the aforesaid complaint.

2. On perusal of the instant petition, it reflects that the petitioner had earlier availed statutory remedy by filing the revision petition (Annexure P-7), before learned revisional court concerned, on dated 05.11.2022. The said petition was pending consideration before that court for about 1½ years, and thereafter, the same stood dismissed as withdrawn vide order dated 26.04.2024 . The relevant part of that order reads as under:-

“Revisionist has got his statement recorded to the effect that he withdraws the revision petition with liberty to proceed in accordance with law. Heard. In view of the statement of revisionist the present revision stands dismissed as withdrawn. File be consigned to the record room.”

3. It transpires on perusal of the above order that the said revision petition was withdrawn, with liberty to proceed in accordance with law.

4. Once the petitioner has opted a statutory remedy by filing a revision petition (*supra*), and the same was dismissed as withdrawn, the petitioner cannot maintain the instant petition under Section 482 Cr.P.C. In fact it seems that it is a case of forum hunting, as when the petitioner realised that he is not getting the desired relief from the revisional court, he conveniently withdrew the revision petition (*supra*) and instituted the instant petition under Section 482 Cr.P.C.

5. A specific query was put to learned counsel for the petitioner to explain the reason(s) for withdrawal of the revision petition (*supra*), to which he answered that simply because it was not decided for 1 ½ year, therefore, he opted to withdraw the same.

6. The aforesaid explanation given by learned counsel for the petitioner further fortifies the opinion of this Court, that it is a pure case of forum hunting. The conduct of the petitioner is highly deprecable.

7. Furthermore, on asking of this Court, learned counsel for the petitioner also informed that now the trial is progressing, and even the notice of accusation has been issued, which was also not challenged by maintaining the revision petition (*supra*).

8. He also informed, that now the case is at the stage of evidence of the complainant, however, he showed ignorance about the number of witnesses examined till date, before the learned trial court concerned.

9. This Court wants to impose exemplary costs upon such kinds of petitions. However, considering the fact that the cheque amount in dispute, is meagre, therefore, the instant petition is, **dismissed**, with costs of Rs.10,000/-.

July 05, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

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