IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

120-A

CRM-M-38598-2020
Date of decision: 01.04.2024

NEERU KUMARI

....Petitioner

Versus

NARESH KUMAR

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. S.S. Bhinder, Advocate
for the petitioner.

Mr. Ashwani Talwar, Advocate
for the respondent.

KULDEEP TIWARI. J.(Oral)

1. Through the instant petition, prayer is made for quashing of the complaint under Section 138, of the Negotiable Instruments Act, bearing No.NACT/1594/2019, dated 26.09.2019 (Annexure P-1), summoning order dated 26.09.2019 (Annexure P-6), and impugned order on plea of discharge dated 15.02.2020 (Annexure P-7), passed by the learned trial Court concerned, in COMA No.1594 of 2019, under Section 138 of the Negotiable Instruments Act, and all consequential proceedings arising therefrom.

2. There is no dispute that the petition under Section 482, is maintainable for quashing of the complaint, however, since the petitioner has opted to file an application to discharge, and remained unsuccessful, the best course should be of availing the alternate statutory remedy, as available to him under the law. Instead of availing the statutory alternate remedy, the petitioner has invoked the inherent jurisdiction of this Court, by filing the instant petition

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I attest to the accuracy and
integrity of this order/judgment

under Section 482 Cr.P.C.

4. Since the petitioner has alternate statutory remedy available to him under the law, this Court at this stage is refrained to entertain the instant petition.

5. Considering the above stated difficulty, at this stage, the learned counsel for the petitioner seeks permission of this Court to withdraw the instant petition, however with liberty to file the statutory revision petition before the learned Revisional Court concerned.

6. The asked for request is allowed.

7. Consequently, the instant petition is **dismissed as withdrawn**, with the liberty aforesaid. In case the petitioner prefers a petition within one month from today, before the learned Revisional Court concerned, along with an application for condonation of delay, the learned Revisional Court concerned shall decide the said application for condonation of delay, most sympathetically, considering the fact that the petitioner has filed the instant petition before this Court.

(KULDEEP TIWARI)
JUDGE

01.04.2024
amandeep

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

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