



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

CRM-M-56889-2024

Date of Decision : 14.11.2024

HARPAL

.....Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. P.S.Ahulwalia, Advocate,
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition, prayer is made for quashing/setting aside of order dated 23.10.2024 (Annexure P-1), passed by the learned Additional Sessions Judge, Gurugram, in case FIR no.175, dated 19.03.2015 (Annexure P-2), under Sections 406, 420 and 120-B IPC and under Section 3 of the Haryana Protection of Interest of Depositors in Financial Establishment Act, 2013 (hereinafter referred to 'Act of 2013'), at Police Station Manesar, District Gurugram.

2. At the very outset, learned counsel for the petitioner fairly admits that the application dated 22.10.2024 (Annexure P-11), before learned Additional Sessions Judge, Gurugram, was, in fact a misconceived motion on behalf of the petitioner.

3. He further submits that the petitioner has to first approach the District Magistrate concerned, as per the mandate of the Act of 2013,

and in case of any inaction or indolent act on the part of the latter concerned, the next remedy available for the petitioner is to approach this court for issuance of a writ in the nature of *mandamus* upon the authority concerned.

4. He, therefore, submits that he may be permitted to withdraw the application dated 22.10.2024 (Annexure P-11), as preferred before the learned Additional Sessions Judge, Gurugram, and, thereafter, to approach an appropriate authority, according to the Act of 2013, for the redressal of his grievance.

5. The asked for request is accepted.

6. The petitioner is allowed to withdraw the application dated 22.10.2024 (Annexure P-11), with liberty to approach an appropriate authority, as per the Act of 2013.

7. **Disposed of**, accordingly.

8. All pending application(s), if any, also stand **disposed** of accordingly.

November 14, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

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