



CRM-M-8016-2025

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

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CRM-M-8016-2025
Decided on: 02.04.2025

Building Junction through its properitor and anrPetitioners
Versus
Dharamender Saini @ Dharmander Saini
.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Suresh Kumar Kaushik, Advocate for the petitioner.

SANJAY VASHISTH, J.

1. Present petition has been filed under Section 482 Cr.P.C./Section 528 of BNSS, seeking quashing of complaint under Section 138 of Negotiable Instruments Act bearing NACT/40507/2022 dated 21.07.2022, titled as, 'Dharamender Saini alias Dharmander Saini Vs. Building Junction and another', filed by the respondent against petitioner and summoning order dated 22.07.2022 (P-5) issued by the Judicial Magistrate First Class, Gurugram alongwith all consequential proceedings arising therefrom.

2. At the very outset, learned counsel for the petitioners submits that there were total five complaints under Section 138 of the Negotiable Instruments Act, 1881 in which the proceedings are pending against the petitioner and in some of the cases, where the summoning order was passed, co-ordinate Bench of this Court disposed of the same vide order dated 27.02.2025 passed in CRM-M-10675-2025, by observing as under:



“ Prayer in this 2nd petition filed under Section 482 Cr. P.C./Section 528 of BNSS, 2023, is for quashing of complaint No.NACT/404/2022, dated 29.07.2022, titled as "Subhash Raghav vs Rajkumar Banta and another", filed under Section 138 of the Negotiable Instruments Act, 1881, and for quashing the summoning order dated 05.01.2023 (Annexure P-5), passed by learned Judicial Magistrate Ist Class, Sohna, District Gurugram, along with all other consequential proceedings arising therefrom.

The 1st petition filed by the petitioners, seeking the aforesaid relief, was dismissed as withdrawn on 30.01.2025, with liberty to file afresh petition with better particulars.

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 appropriate stage. However, he confines his prayer to the extent of seeking exemption of petitioner No.1 from personal appearance before the learned trial Court as he is 74 years of age and is attending trial on each and every date of hearing, which would cause great hardship and inconvenience to him.

*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 petitioner No.1, before the learned trial Court is ordered to be exempted, subject to the following conditions:-*

- i. petitioner No.1 shall be represented through his counsel;*
- ii. shall not delay/stall the trial proceedings;*
- iii. shall not dispute his identity as accused;*
- iv. shall have no objection if the prosecution evidence recorded in his absence but in the presence of his counsel;*
- v. shall appear before the trial Court as and when required; and*
- vi. any other condition, which the trial Court may Impose*

27.02.2025

(HARPREET SINGH BRAR)
JUDGE”



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- 3. Learned counsel for the petitioners prays for disposal of the present petition in view of the observations made in order dated 27.02.2025 passed in CRM-M-10675-2025.
- 4. Heard learned counsel for the petitioners and perused the paper book.
- 5. In view of the above, present petition is disposed of having been withdrawn and the directions passed by co-ordinate bench of this Court vide order dated 27.02.2025 passed in CRM-M-10675-2025 would be applicable *ipso facto* in the present case also.

(SANJAY VASHISTH)
JUDGE

April 02, 2025
rashmi

Whether Speaking/Reasoned: YES/~~NO~~
Whether Reportable: ~~YES~~/NO