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CRM-50246-2024 in/and
CRM-M-45070-2023 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-50246-2024 in/and
CRM-M-45070-2023 (O&M)
Date of Decision: 20.01.2025

AMAN JULAYA FEED STORE AND ANR Applicant/Petitioners

Vs.

GODREJ AGROVET LIMITED

..Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Gaurav Aggarwal, Advocate for applicant-petitioners.

...

SUMEET GOEL, J. (Oral)

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1. The prayer made in the application reads thus:

“It is, therefore, most respectfully prayed that the instant application may kindly be allowed and the aforesaid Quashing Petition may kindly be allowed to be withdrawn having the same being rendered infructuous and with further directions to release Demand Draft of Rs. 5 Lakh kept in the safe custody of Registrar of this Hon'ble Court in favour of the Petitioners in the interest of justice, equity and fair play.”

2. Learned counsel for applicant-petitioners has argued that, at the time of issuance of notice of motion in the main petition, the applicant-petitioners had got deposited a sum of Rs.5 lacs in the shape of a demand draft in favour of complainant-company in order to show their *bona fide*. Learned counsel for applicant-petitioners has submitted that he seeks to withdraw the petition in hand and thus the said demand draft of Rs.5 lacs be returned to the applicant-petitioners.

3. Notice of the application.

4. At this stage, Mr. Munish Gupta has entered appearance on behalf of the respondent. He has vehemently opposed the grant of prayer of



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return of the demand draft of Rs. 5 lacs by arguing that the said money rightly belongs to the respondent and therefore, the said demand draft cannot be returned to applicant-petitioners.

5. Having heard learned counsel for the parties and upon perusal of the record, it emerges that the demand draft of Rs.5 lacs (directed to be deposited vide order dated 13.09.2023) on account of the applicant-petitioners having approached this Court for quashing of the impugned criminal complaint as also proceedings emanating therefrom. Once the applicant-petitioners do not want to pursue with the petition in hand, in the considered opinion of this Court, there arises no occasion for the said demand draft to be retained any further with this Court.

6. The application in hand is accordingly allowed.

7. The main case is directed to be dismissed as withdrawn.

8. The demand draft of Rs.5 lacs deposited by the applicant-petitioners in favour of the complainant-company shall be returned to the applicant-petitioner No.2 on due identification.

9. Needless to state that this Court has not delved into the merits of the case as also upon the rival contentions made by the learned counsel and thus the trial Court shall proceed further in accordance with law without being influenced by filing of the instant petition as also withdrawal thereof.

20.01.2025

Jasmine Kaur

**(SUMEET GOEL)
JUDGE**

Whether speaking/reasoned

Yes No

Whether reportable

Yes No