



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

CRM-M-21883-2024 (O&M)

DECIDED ON: 15.02.2025

SHALEEN KAPUR

.....PETITIONER

VERSUS

**GREATER MOHALI AREA DEVELOPMENT
AUTHORITY AND ORS.**

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Vikas Jain, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing and setting aside of summoning order dated 03.11.2022 (Annexure P-4) qua the Petitioner / Accused No.4 passed by the Court of Judicial Magistrate 1st Class, SAS Nagar, Mohali in Criminal Complaint bearing No. NACT-1121-2022 (CNR: PBSA030147342022) titled as "Greater Mohali Area Development Authority Versus M/s. SUKHM Infrastructures (P) Ltd. & Others", whereby the Petitioner/Accused No.4 has been ordered to be summoned to face trial under Section 138 of the Negotiable Instruments Act, 1881 and further to quash all proceedings subsequent thereto qua the Petitioner/Accused No.4, and further to dismiss the above referred Criminal Complaint dated 31.10.2022 (Annexure P-2) qua the Petitioner/Accused No.4 and to discharge the bail bonds and surety furnished by the Petitioner/Accused No.4 before the Learned Trial Court.

Mr. H.S. Baidwan, Advocate has put in appearance on behalf of respondent No.1 and has filed Power of Attorney, which is taken on record.

However, before the learned counsel for the petitioner could make out a case for setting aside the summoning order dated 03.11.2022 (Annexure P-4) asserting the same to be illegal, learned counsel for respondent No.1, who is the sole contesting respondent, would submit that he would have no objection in case the petitioner is discharged by the trial Court.

In the light of the aforesaid unfolded circumstances, learned counsel for the petitioner seeks withdrawal of the present petition with liberty to move an application for discharge before the trial Court which will not be objected too by the counsel for respondent No.1 as has been undertaken before this Court.

Prayer is accepted.

Dismissed as withdrawn with liberty aforesaid.

However, it is made clear that in case respondent No.1 does not abide by the aforesaid undertaking, the petitioner shall be at liberty to move an appropriate application for revival of the instant petition.

(SANDEEP MOUDGIL)
JUDGE

15.02.2025

Poonam Negi

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No