

under Section 482 of the Criminal Procedure Code for quashing of charge-sheet and cognizance taking order on the basis of preliminary objection taken by the public prosecutor that non-bailable warrant was issued against the petitioner on 15.02.2020.

Indeed, this by itself cannot be a ground to decline the relief of quashing especially when the petitioner had submitted to the jurisdiction of the Court at a later date or had good reason to justify his non-appearance before the Trial Court during the relevant period.

Suffice it to observe that since the charge-sheet has been filed and cognizance taken by the Trial Court, we deem it appropriate to give liberty to the petitioner to first exhaust the remedy of discharge. For, the entire record would be before the Trial Court whilst considering the relevant aspects of the matter necessary for grant of relief of discharge.

Mr. Sidharth Luthra, learned senior counsel was, at pains, to point out that the Trial Court may not entertain the resignation certificate dated 31.03.2011, which the petitioner is relying in support of prayer for quashing (Annexure P-1). This apprehension, in our opinion, is premature.

Accordingly, we dispose of this Special Leave Petition with liberty to the petitioner to first invoke the option of discharge application and if that decision is adverse to the petitioner, it will be open to the petitioner to challenge the same before the appropriate Forum and also revive or renew the prayer for quashing, which prayers can be considered on its own merits and in accordance with law, uninfluenced by the rejection of the earlier application by the High Court vide impugned order.

All contentions available to both sides in the proposed proceedings are left open.

The arrest warrant against the petitioner is kept in abeyance for a period of three weeks to enable the petitioner to apply for discharge before the Trial Court and also apply for recall of arrest warrant and exemption from appearance, which application be considered by the Trial Court as per law.

Pending applications, if any, stand disposed of.

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