



Sr. No. 04

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

CrIM No. 2128/2021 in
CRMC No. 811/2018

Deepika Gambhir

.... Petitioner/Appellant(s)

Through:- Mr. Mohd. Akeel Wani, Advocate

V/s

Pawan Gambhir

.....Respondent(s)

Through:- None

CORAM : HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

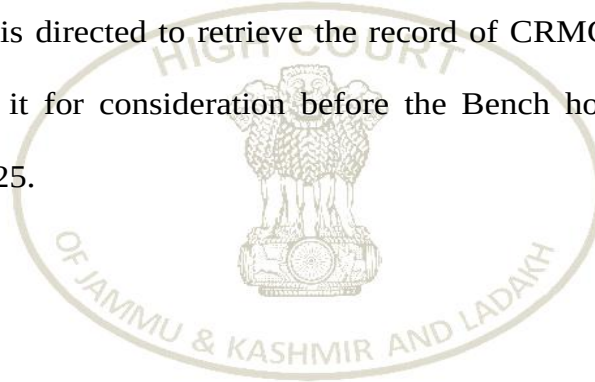
ORDER
19.11.2024

CrIM No. 2128/2021

1. Through the medium of the present application, the petitioner has sought recall of order dated 05.04.2021 passed by this Court whereby petition under Section 561-A of J&K Cr.PC filed by the petitioner has been dismissed.
2. It has been contended by learned counsel for the petitioner that at the time of passing of order dated 05.04.2021, nobody had appeared on behalf of the petitioner as such, the correct facts could not be brought to the notice of this Court which resulted in passing of the said order. It has been submitted that dismissal of complaint of the petitioner by Disciplinary Committee of the Jammu & Kashmir Bar Council does not have any bearing upon the petition filed by her challenging the criminal proceedings initiated by trial Court on the basis of a complaint filed by the respondent.



3. Having heard learned counsel for the petitioner and having perused the record, this Court is of the opinion that submissions made by learned counsel for the petitioner bear merit inasmuch as, the dismissal of complaint by the Disciplinary Committee is not a relevant factor for disposal of the petition filed by the petitioner under Section 561-A of J&K Cr.PC. Even otherwise, the order dated 05.04.2021 has been passed without hearing the petitioner or her counsel and as such, the same deserves to be recalled and is recalled, accordingly.
4. Application stands disposed of.
5. Registry is directed to retrieve the record of CRMC No. 811/2018 and post it for consideration before the Bench holding roster on 04.02.2025.



(Sanjay Dhar)
Judge

JAMMU
Tarun/PS
19.11.2024