

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

CRM-M No.15240 of 2015

Date of decision: 11th May, 2015

Om Parkash

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

1. Whether Reporters of Local Newspapers may be allowed to see the judgment?
2. Whether to be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Peeush Gagneja, Advocate
for the petitioner.

FATEH DEEP SINGH, J.

Petitioner Om Parkash in this petition under Section 482 Cr.P.C. has sought the indulgence of this Court for protection of his life and liberty on the averments and allegations that he was having a liquor business in partnership with private respondent No.4 in the State of Rajasthan in pursuance of agreement dated 28.04.2014 (Annexure P1). It is contended and averred that a dispute arose between them over share of the profits and it is claimed that the petitioner had to pay ₹2,50,000 and ₹3,70,000 to his partner respondent No.4 and also issued two cheques in his favour regarding

which criminal complaints were filed by respondent No.4 in which the defence of the petitioner is that his cheques were stolen on the grounds that to recover his amount the petitioner is being harassed and threatened by the respondents and thus, has taken the refuge of this Court.

Upon hearing Mr. Peeush Gagneja, Advocate for the petitioner.

What clearly stands reflected from the own admission of the petitioner that there is a pure dispute over money in respect of joint business of the petitioner with private respondent No.4 and regarding which on the issuance of cheques which apparently as per the own stand of the counsel stood dishonoured leading to filing of the complaint under Section 138 of the Negotiable Instruments Act, 1881 against the petitioner by the private respondent and which certainly is subject matter of dispute before the appropriate forum where the matter is pending.

What sort of threat to life and personal liberty is there, is nowhere reflected from the pleadings neither the same stands corroborated by any means. No doubt, the provisions of Section 482 Cr.P.C. by way of inherent powers of this Court can be exercised in cases to ameliorate denial of justice but cannot be allowed to be exercised under the camouflage of such false and misleading reasonings to escape the dragnet of law. The petition is wholly misconceived, based on false grounds, devoid of any truth and is a pure misuse of the process of Court and thus, finding no merit in the

petition, the same deserves to be dismissed. Since the petitioner has not only wasted precious time of this Court but has sought to misuse this process which is purely for dispensation of justice, must be penalized and thus, the present petition stands dismissed with costs of ₹10,000 to be deposited with the High Court Legal Services Committee. Necessary letter be issued to the quarter concerned for recovery of the amount of costs.

(FATEH DEEP SINGH)
JUDGE

May 11, 2015
rps