

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M-22457-2011
Date of decision:21.8.2015

Raje Ram Verma

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

1. To be referred to the Reporters or not ?
2. Whether the judgment should be reported in the Digest ?

Present: Ms. Rubina, Advocate for
Mr.Karan Pathak, Advocate for the petitioner.

Mr.Shivendra Swaroop, AAG, Haryana.

Ms.Kiran Bala Jain, Advocate for respondents No. 2 and 3.

RAMESHWAR SINGH MALIK, J. (Oral)

Petitioner, by way of Instant petition under Section 482 of the Code of Criminal Procedure ('Cr.P.C.' for short), seeks quashing of FIR No.104 dated 9.5.2011 registered under Sections 406, 420, 109 and 120-B IPC at Police Station Faridabad N.I.T., District Faridabad and the consequential proceedings arising therefrom.

Notice of motion was issued and pursuant thereto reply was filed.

On 31.3.2015, following order was passed by this Court:-

“Learned counsel for the petitioner as well as learned counsel for respondents No.2 and 3 are ad idem that during the pendency of this petition, parties have arrived at an amicable settlement.

In view of the above, parties are directed to appear before the learned Chief Judicial Magistrate, Faridabad, on 10.4.2015 for getting their statements recorded so as to enable the learned Court to record its satisfaction on the genuineness of compromise arrived at between the parties. Thereafter, the

learned Chief Judicial Magistrate, Faridabad shall send his report to this Court before the next date of hearing.

List on 30.04.2015.

However, when the parties did not appear before the learned Chief Judicial Magistrate, Faridabad, on 10.4.2015 for getting their statements recorded, they were granted one last and final opportunity for getting their statements recorded vide order dated 30.4.2015 passed by this Court, which reads as under:-

“Learned counsel for the petitioner as well as learned counsel for the private respondents seek one short adjournment to grant another opportunity to the parties to appear before the learned Chief Judicial Magistrate, Faridabad for getting their statements recorded in compliance of the order dated 31.03.2015 because they could not appear on 10.04.2015 because of some genuine difficulty.

In view of the above, parties are granted one last and final opportunity to appear before the learned Chief Judicial Magistrate, Faridabad on 20.05.2015 and get their statements recorded in compliance of the order dated 31.03.2015. Thereafter, learned Chief Judicial Magistrate, Faridabad shall send his report to this Court before the next date of hearing.

List on 16.07.2015.

However, petitioner still did not appear. Although, there was no further justification in granting any opportunity to the petitioner, yet in the interest of justice one more opportunity was granted to him vide order dated 16.7.2015, which reads as under:-

“Learned counsel for the petitioner submits that petitioner could not appear before the learned Chief Judicial Magistrate, Faridabad because of some bonafide reasons which were beyond his control. He seeks one more but last and final opportunity to enable the petitioner to appear before the learned Chief Judicial Magistrate, Faridabad for getting his statement recorded.

On his request, adjourned to 21.08.2015.

Let the petitioner now appear before the learned Chief Judicial Magistrate, Faridabad on 22.07.2015 for getting his statement recorded. Thereafter, the learned Magistrate shall send his report to this Court before the next date of hearing.”

In compliance of the orders passed by this Court, repeated reports have been received from the learned Chief Judicial Magistrate to the effect that petitioner did not appear. The latest report in this regard is dated 24.7.2015 to the effect that petitioner did not turn up despite repeated calls.

In view of the above, it has become crystal clear that petitioner is not interested in pursuing the present petition. In fact, petitioner has not been found to be a bonafide litigant. He is misusing the process of law.

Under these circumstances, no further orders are warranted, at the hands of this Court and the instant petition is disposed of, as such.

21.8.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE