

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

**CRM-M-8389 of 2015
Date of Decision: April 21, 2015**

Sarbjit Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Naveen Bawa, Advocate
for the petitioner.

Mr. APS Gill, AAG, Punjab.

FATEH DEEP SINGH, J.

The petitioner who happens to be the complainant before the learned lower Court has invoked the jurisdiction of this Court under Section 482 Cr.P.C. seeking issuance of direction for expeditious holding of the trial. Since the matter does not involve intricate questions resulting in prejudice to private respondents, thus, notice to them had been dispensed with.

Heard, learned counsel for the parties and perused the records of the learned Magistrate. The complainant has filed a complaint by way of an application under Section 156(3) of Cr.P.C. seeking direction to the police to register a case against respondents and for investigations of the matter as per law. The premise of the allegations is a matrimonial dispute arising out of the marriage between Jatinderjeet Kaur, daughter of the complainant and respondent Ranbir Singh an NRI, resident of Canada, whereas, the others happens to be the in-laws as well as unmarried sister-in-law of the husband and the allegations harbour around cruelty and criminal breach of trust qua the

Istri dhan of the girl.

As is reflected from the records, a complaint was presented before the learned Chief Judicial Magistrate, Ludhiana on 11.2.2014, whereby, learned Court exercising its judicial discretion declined the prayer for initiation of process in terms of Section 156(3) Cr.P.C. and registered a complaint fixing the matter for recording of preliminary evidence on 25.4.2014. As the order of that day reflects, learned Chief Judicial Magistrate in exercise of its powers transferred the matter and entrusted it to learned JMIC, Ludhiana for 20.5.2014. Thereafter, the matter was adjourned to 22.8.2014 and then to 4.10.2014. Till then no preliminary evidence was got recorded and thereafter on 12.12.2014 part examination-in-chief of one of the witness of the complainant was recorded and the matter was deferred to 12.2.2015 for recording of remaining examination-in-chief of this witness. Thereafter, the matter was adjourned to 18.4.2015. Thus, from this all, it ensues that between filing of complaint and till date for a period of almost one year nothing worthwhile progress has been made in the complaint is in itself reflective of the sordid state of affairs. Not only frustrating the endeavours of the complainant for a speedy justice but also eroding the very credibility of the system in which people at large have reposed so confidently their faith for redressal of their grievances. Thus, it shows sufficiently the lethargy of the learned Presiding Officer and his reluctance in achieving the golden goal of speedy justice. Quite in oblivion that a Judicial Officer owes a duty towards dispensation of justice to the litigant before him. This Court with a heavy heart restrains itself from further expressing its anguish over this conduct of the Court inspite of the fact as has been laid down in **Monica Kumar vs. State of Utter Pradesh (2008) 8 SCC 781** that the Courts in exercise of powers under Section 482 Cr.P.C. are to exercise the same

very sparingly and in the rarest of rare cases, however, to do substantial justice it is desirable to issue directions to the learned Magistrate to expedite the matter. The learned District and Sessions Judge, Ludhiana on the administrative side must ensure that the Officers in his Sessions Divisions show right earnest in expediting the cause of justice.

The present petition stands disposed off in those terms.

Parties are directed to appear before the trial Court within a period of ten days from today. Records of the trial Court be sent back immediately.

(FATEH DEEP SINGH)
JUDGE

April 21, 2015
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