

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No. M-6969 of 2012 (O&M)
DECIDED ON : OCTOBER 20, 2016

JAGDISH SINGH

....PETITIONER

VERSUS

STATE OF PUNJAB AND ANOTHER

....RESPONDENTS

CORAM : HON'BLE MR. JUSTICE JASPAL SINGH

Present : Mr. Vivek K. Thakur, Advocate,
for the petitioner.

Mr. B.S. Cheema, DAG, Punjab.

Mr. Harsh Aggarwal, Advocate
for respondent No.2.

JASPAL SINGH, J

By virtue of instant petition preferred under Section 482 of the Code of Criminal Procedure (for short 'Code'), petitioner has sought the quashing of FIR No. 123, dated 08.09.2005, under Section 36 of Punjab Urban Planning and Development Authority Regulation Act, 1995, registered at Police Station Goraya, District Jalandhar (Annexure P-3) and all subsequent proceedings arising therefrom including the report under Section 173(2) Cr.P.C.

Undisputably, petitioner preferred a petition bearing CRM No. M-3543 of 2010, under Section 482 of the Code through Power of Attorney holder

namely Jarnail Singh seeking quashing of the above-referred FIR in question, which was dismissed as withdrawn vide order dated November 07, 2011. It would be appropriate to reproduce the said order, which reads as under:

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH.

*Present: Mr. Vivek K. Thakur, Advocate
for the petitioner.*

*Mr. Vishal Munjal, Addl. AG, Punjab.
for respondent No.1.*

*Mr. Ashish Grover, Advocate
for respondent No.2.*

AUGUSTINE GEORGE MASIH, J. (ORAL)

An objection has been taken with regard to the maintainability of the petition which has been filed through power of attorney by the petitioner at this stage.

Learned counsel for the petitioner prays for withdrawal of the present petition with liberty to file a fresh petition on the same cause of action by the petitioner himself.

Dismissed as withdrawn with liberty as aforesaid.

November 7, 2011

*Sd/-
Augustine George Masih
Judge*

A glance at the afore-said order transpires that liberty was granted to the petitioner to file a fresh petition himself on the same cause of action and in the case in hand. again petitioner has not returned to India to file the petition rather, he has preferred to file the same by executing an affidavit from Canada. Thus, the intention behind the dismissal as withdrawn of earlier petition was to ensure that the petitioner should return to India to surrender as well as to file a petition, who is otherwise evading the process of law. It cannot be said that the instant petition has been filed in compliance of order dated November 07, 2011. Otherwise also, after the withdrawal of previous petition vide aforesaid order, instant petition was preferred by the petitioner showing it to have been filed the petitioner himself but in fact, the petitioner has executed Special Power of Attorney in favour of Sohan

Singh s/o Sarda, resident of Materan Tehsil and District Nawanshahar, which has been annexed with the petition as Annexure P-1.

On this sole ground, instant petition stands dismissed.

OCTOBER 20, 2016
sham

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned
Whether Reportable

Yes/No
Yes/No