

**In the High Court of Punjab and Haryana
at Chandigarh**

-.-

CRM M 12505 of 2014
Date of Decision: 08.03.2017

Dara Ram and another

---Petitioners

versus

State of Punjab and another

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Vijay Lath, Advocate
for the petitioners

Mr. Mikhail Kad, AAG, Punjab

Mr. D S Randhawa, Advocate
for respondent No. 2

-.-

Rekha Mittal, J. (Oral)

The petitioners have invoked inherent jurisdiction of this Court under Section 482 of the Code of Criminal Procedure (in short, 'Cr.P.C.') for quashing of FIR No. 163 dated 23.11.2013 for offence punishable under Sections 406, 498-A, 420 and 120-B of the Indian Penal Code (in short, 'IPC') registered at Police Station Payal, Police District Khanna, District Ludhiana and proceedings arising therefrom.

On 09.04.2014, notice of motion was issued and relevant extract from the order reads as follows:-

“Learned Counsel for the petitioners submits that the petitioners want to settle the dispute with respondent No. 2 by availing the services of the Mediation and Conciliation Centre of this Court, as it is a matrimonial dispute.

Let notice of motion be issued to respondent No. 2 only for 27.05.2014 on deposit of Rs.50,000/- by the petitioners towards litigation expenses and other expenses of coming to Chandigarh to attend the mediation proceedings. The notice be issued only after deposit of the amount”.

Later, warrants of arrest against the petitioners were issued and they prayed for interim protection on 29.04.2016. The order passed by this Court on 29.04.2016, reads as follows:-

“Learned counsel for the petitioners submits that co-accused of the petitioners, who is husband of the complainant, filed a petition for protection, wherein, interim protection has been granted. There is a possibility of settlement/compromise between the parties and the matter has been referred to Mediation and Conciliation Centre of this Court.

Learned counsel for the petitioners prays that warrants of arrest have been issued against the petitioners and hence, interim protection may be granted to them.

Adjourned to 02.05.2016.

To be heard along with Crl. Misc. No. M 14325 of 2016.

However, warrants of arrest issued against the petitioners shall remain stayed till further orders”.

On the last date i.e. 16.12.2016, counsel for the complainant

apprised the Court that the petitioners are not appearing before the Court

and their bail has been cancelled. The relevant extract from order dated 16.12.2016, reads as under:-

“Counsel for respondent No. 2 states that the petitioners are not appearing before the Court and their bail has been cancelled.

Counsel for the petitioners submits that as per his information, the petitioners are not in India.

Adjourned to 08.03.2017.

Vide order dated 29.04.2016, warrants of arrest issued against the petitioners were stayed.

Order dated 29.04.2016 is vacated”.

Counsel for the petitioners is not in a position to say something in the matter though on the last date, he stated before the Court that as per his information, the petitioners are not in India.

Taking into consideration conduct of the petitioners, they have dis-entitled themselves to seek indulgence of this Court in exercise of inherent jurisdiction under Section 482 Cr.P.C. to be used for achieving twin purposes (i) to prevent misuse/abuse of process of any Court; or (ii) to secure ends of justice.

Dismissed.

(Rekha Mittal)
Judge

08.03.2017
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No