

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

CRM-M No.35248 of 2014 (O&M)
Date of decision: 22nd February, 2018

Dipika Lal

... Petitioner

Versus

State of Haryana & others

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Kanwaljit Singh, Senior Advocate with
Mr. Gagandeep S. Virk, Advocate for the petitioner.
Mr. P.K. Jangra, Addl. Advocate General, Haryana
for respondent No.1/State.
Respondent No.2 – in person.
None for respondent No.3.

FATEH DEEP SINGH, J.

This is a petition under Section 482 Cr.P.C. preferred by Dipika Lal wife of respondent No.2 Vipin Kumar Gupta, the latter being son of respondent No.3 Smt. Chand Rani, whereby she has sought to challenge and warranting quashment of the orders dated 27.03.2014 (Annexure P4) passed by the Judicial Magistrate 1st Class, Faridabad followed by orders dated 22.09.2014 (Annexure P5) by which revision petition of the petitioner has been dismissed whereby evidence of the prosecution has been closed by order.

The factual scenario that is essential to be highlighted is that during the course of proceedings in case got registered by way of FIR No.42 dated 05.02.2000 under Sections 498A, 406, 323, 506 IPC

pertaining to Police Station Sector 7, Faridabad which was lodged by the present petitioner wife against her husband respondent No.2, the learned trial Court passed orders (Annexure P4) closing the evidence of the prosecution and fixing the matter for recording of statement of the accused. Against the said order, the aggrieved wife had filed a criminal revision and the Court of learned Additional Sessions Judge, Faridabad through orders (Annexure P5) dismissed the revision and that is how the petitioner is before this Court.

Heard Mr. Kanwaljit Singh, Senior Advocate assisted by Mr.Gagandeep Singh Virk, Advocate on behalf of the petitioner; Mr.P.K. Jangra, Additional Advocate General, Haryana for the State/respondent No.1 and respondent No.2 who is present in person and on perusal of the records.

As is there and is writ large on the records and is not even displaced by any of the sides, the Court vide orders dated 13.12.2006 have discharged all the accused except Vipin Kumar Gupta and framed charges against him on 24.02.2014 and the matter was adjourned for prosecution evidence and which was challenged by way of another revision by the wife and which revision was dismissed through orders dated 10.03.2009 by the Court of learned Additional Sessions Judge, Faridabad.

Going through the arguments of the two sides, as the saying goes '*justice hurried is justice buried*' appears to aptly apply to the

circumstances of the present case when as is there on the records and in the arguments, charges were framed on 24.02.2014 and the impugned order closing evidence of the prosecution was made on 27.03.2014 within one month. No doubt, in the dispensation of justice, courts are supposed to be sensitive for expeditious disposal of the matter and undue adjournments facilitating in prolongation of the matter are certainly discouraged by the judicial system but at the same time, in this over-zealousness to conclude the matter, does not necessarily imply that the course of justice has to be over-run in attaining such a sinister design whereby a valuable right of a litigant is being denied and immense prejudice is caused to a party.

No doubt, there is no specific provision or law when in a particular case the evidence is supposed to be closed, but a natural corollary flows that it should be reasonable opportunity and what is reasonable opportunity, depends upon case to case and cannot be put up in a straightjacket formula. However, such a fast action in denying justice certainly needs to be deprecated and is not even otherwise legitimately condonable. Certainly a situation has arisen where to meet the ends of justice and to dispense the same this Court has to exercise its inherent powers to undo the same. In the light of what has been observed and has come across, certainly it is very disheartening to observe that the impugned order (Annexure P4) and so the order on the revision (Annexure P5), how or in what manner opportunities have been given as

canvassed in (Annexure P5) and merely because a last opportunity has been granted to the prosecution, does not mean that there should be miscarriage of justice. The Court in its endeavour to do justice needs to issue summons and thereafter, if necessitated, to use other coercive means of bailable and non-bailable warrants and without resort to such means would be contrary to the provisions enshrined in Chapter VI of the Code of Criminal Procedure, which the learned trial Court and so the revisional Court has failed to go into. The impugned orders (Annexures P4 and P5) certainly are highly illegal and unwarranted in law and needs to be set aside by way of acceptance of the present petition. The trial Court is directed to proceed ahead into the matter in accordance with law.

The petition stands allowed in those terms.

(FATEH DEEP SINGH)
JUDGE

February 22, 2018

rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No