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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-23801-2014 [O&M]

Date of Decision : April 09, 2019

Jatinder Chopra

.... Petitioner

Versus

Director General of Police, Haryana
and others

.... Respondents

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN.

Argued by Mr. Manjeet Singh, Advocate,
for the petitioner.

Mr. D.K.Mittal, DAG, Haryana
for respondent-State .

Mr. Arun Singla, Advocate,
for respondent No.5.

SHEKHER DHAWAN, J.

Present petition under Section 482 of the Code of Criminal Procedure is for issuance of directions to the official respondents to take appropriate action against respondent no.5, who is the wife of the petitioner in accordance with law.

2. Learned counsel for the petitioner contended that as per complaint against respondent No.5, cognizable offence is made out, but no action is being taken and the official respondents have failed to protect life, liberty and property of the petitioner from respondent No.5 and as such, directions be issued to the official respondents.

3. On 25.10.2018, after hearing learned counsel for the parties,

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this Court passed the following order:-

“ Perusal of the *zimini* orders from 17.07.2014, it is evident that petitioner as well as respondent No.5 were directed to be present in Court. Even though respondent No.5 is present, whereas petitioner remained absent. From time to time for the last 4 years, matter is being adjourned at the behest of petitioner. Therefore, petitioner is hereby directed to pay a sum of Rs.1,00,000/- to 5th respondent for making her inconvenience in attending the Court for the last 4 years. Further petitioner – Jatinder Chopra is hereby directed to appear in person, on the next date of hearing failing which adverse order would be passed. So also Shri Chand Kishore Nanda Power of attorney to Jatinder Chopra – petitioner.

List this matter on 7.12.2018.”

4. As per the above orders, cost of Rs.1,00,000/- was to be deposited, but the amount was not paid. The petitioner was not appearing in the Court, whereas respondent No. 5 was appearing in the Court and this Court passed the following orders on 20.03.2019:-

“ Learned counsel representing the petitioner requests for adjournment.

Learned counsel for respondent No.5 contended that one lakh costs was imposed to the petitioner on 25.10.2018 but the amount has not been paid till date. On the other hand, respondents are coming to the Court on each and every date whereas the petitioner is enjoying proxy litigation as he is residing in Australia and not making payment and not complying with the Court order.

However, in the larger interest of justice, short date is being given to the petitioner, in case petitioner fails to argue the matter on next date of hearing the Court shall proceed with the matter as per law.

Adjourned to 27.03.2019.”

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5. In view of the above facts, as the petitioner is not appearing before the Court despite issuance of directions on different dates and has failed to deposit the costs imposed of Rs.1,00,000/- on 25.10.2018, no case is made out for issuance of any directions to the official respondents while exercising powers under Section 482 Cr.P.C.

6. Resultantly, the present petition is without any merit and the same stands dismissed.

(SHEKHER DHAWAN)
JUDGE

April 09, 2019

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Whether speaking/reasoned?	:	Yes
Whether reportable?	:	Yes