

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-34357-2019

DATE OF DECISION: DECEMBER 2, 2019

RAHUL MALIK

...PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. PRATAP SINGH GILL, ADVOCATE FOR THE PETITIONER.
MR. SUKHDEEP PARMAR, DAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

The petitioner-accused has filed this petition for issuance of directions to the respondents for filing a final report in case FIR No.353 dated 17.4.2014 under Sections 148, 149, 323, 427 and 325 IPC, registered at Police Station Chandni Bagh, District Panipat.

On 26.8.2019, the following order was passed:-

“Learned counsel for the petitioner has invited the attention of the Court to the order dated 23.02.2016 whereby the State counsel in a petition brought by complainant apprised the Court that the untraced report is likely to be submitted within three weeks.

Learned counsel for the petitioner (accused) contends that till date report pursuant to the investigation is awaited.

Mr. Ramdeep Partap Singh, DAG, Punjab is directed to find out the status of the investigation.

Adjourned to 18.09.2019.”

Learned counsel for the State assisted by ASI Raj Kumar has apprised this Court that the order dated 23.2.2016 passed by this Court in CRM-M-24416-2015 was promptly complied with by filing the untraced report on 29.2.2016 and the same was accepted by the Addl. Chief Judicial

Magistrate, Panipat. He has produced a copy of the said order. The same reads as under:-

“Untraced report presented today before me. It be checked and registered. Complainant has appeared before the Court and by making separate statement, he has stated that he agree with the untrace report submitted by the police. Heard. In view of the statement, untrace report is accepted and the same be sent back to the concerned quarter after due compliance.

*Sd/- (Amit Garg)
Additional Chief Judicial Magistrate
Panipat 29.02.2016”*

At this stage, learned counsel for the petitioner states that nothing survives for adjudication in this case and the petition is rendered infructuous.

From the above, it is evident that the petitioner filed this petition without verifying the facts, record of the trial Court and has not only wasted the valuable time of this Court, but also added to the work of the Government officials without any cause of action. Therefore, it is a fit case to burden the petitioner with costs.

Petition is dismissed and it is ordered that a sum of ₹10,000/- is imposed as costs to be deposited by the petitioner, before the District Legal Services Authority, Panipat.

A copy of this order be sent to the Chief Judicial Magistrate, Panipat to ensure the compliance.

December 2, 2019
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No
Whether Speaking/Reasoned : Yes/No