

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-53465 of 2019

DATE OF DECISION: DECEMBER 13, 2019

ESHA MALIK

...PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. PUSHPINDER KAUSHAL, ADVOCATE
FOR THE PETITIONER.

MANOJ BAJAJ, J.(ORAL)

Petitioner-Esha Malik has filed this petition under Section 482 Cr.P.C for calling upon status report from respondents No.2 and 3 with regard to steps taken to arrest respondent No.4 who has been declared Proclaimed Person vide order dated 27.02.2019, in a complaint case No.317 dated 26.04.2018, titled as “Esha Malik Vs. Gurjeet Singh” under Section 138 read with Section 142, Negotiable Instruments Act, 1881.

A perusal of the case file shows that the petitioner had earlier filed CRM-M-45953 of 2019 praying for issuance of directions to respondents No.2 and 3 to take steps to arrest respondent No.4, which was dismissed on 29.10.2019, as it was not disputed by learned counsel for the petitioner that indeed steps were being taken by the Police Authorities to secure the presence of respondent No.4.

The issue raised in the present petition is the same as was raised in the previous petition. This petition has been filed without material change of circumstances. This Court finds that this is an abuse of process of

law, as the petitioner cannot repeatedly seek intervention of this Court on the same issue by filing the petitions under Section 482 Cr.P.C., as for this said relief, the complainant can approach the Police Authorities or the trial Court.

Resultantly, the petition is dismissed and a cost of ₹10,000/- is imposed upon the petitioner, to be paid to District Legal Services Authority, SAS Nagar, Mohali, within a period of 2 months from the date of this order.

A copy of this order be sent of the Chief Judicial Magistrate, SAS Nagar, Mohali, to ensure payment of costs.

December 13, 2019
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No