

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

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CRM-M-21493-2022 (O&M)

Date of Decision: 18.05.2022

SUDESH

... Petitioner

Versus

STATE OF CHANDIGARH AND ANOTHER

... Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Sandeep Singh Sangwan, Advocate
for the petitioner.

Mr. JS Toor, APP UT Chandigarh.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks setting aside of the order dated 22.04.2022 (Annexure P-5) passed by the learned Judicial Magistrate, 1st Class, Chandigarh, vide which the application filed under Section 311 Cr.P.C., by the petitioner/complainant, to place on record a Pen Drive containing videographed conversation with the accused; certified copy of the judgment and decree dated 05.05.2018 passed by the learned Civil Judge (Junior Division), Chandigarh and to summon her husband, namely Satish Kumar, for his examination, was dismissed.

Learned counsel for the petitioner submits that accused/respondent, namely, Pardeep Aggarwal, had offered to compromise the matter with the petitioner (complainant), which was duly recorded by her husband in the video, sought to be placed on record. He further submits that vide the aforesaid judgment and decree dated 05.05.2018, Civil Suit No.1728 dated 11.09.2015, filed by the petitioner against the respondent/accused, was decreed in favour of the petitioner. It

is, thus, submitted that the said documents are essential for the just and proper adjudication of the lis between the parties.

In support of his contentions, learned counsel for the petitioner relies upon the judgments passed by Hon'ble Supreme Court in Mohanlal Shamji Soni vs Union of India and another, 1991(3)RCR (Criminal) 182 and Sister Mina Lalita Baruwa vs State of Orissa and others, 2014(1)RCR(Criminal) 257.

Having heard learned counsel for the petitioner, I do not find any merit in the present petition.

It may be noticed that FIR pertains to the year 2013; the challan was presented on 29.09.2014; that thereafter, the prosecution evidence was led and now the case at the stage of defence evidence. This, thus, makes it apparent that the trial has been pending for the last more than seven years. It is beyond common logic, as to how any offer by the accused to the complainant, would be relevant, especially when such offer is irrespective of the merits of the case.

In reference to the aforesaid judgments of the Hon'ble Apex Court, suffice to say that there is no debate over the powers of the Court to examine/re-examine any person at any stage. However, in the peculiar facts and circumstances of the present case, the petitioner cannot derive any benefit of the said judgments.

Still further, if any judgment and decree has been obtained by the petitioner in her favour, the said documents being the Court documents, can be taken judicial notice of by the Court. Moreover, the

said judgment and decree is dated 05.05.2018, but the petitioner moved an application in this regard before the trial Court on 04.03.2022. There is no explanation as to why such a long delay had occurred. Hence, even from the said point of view, the prayer of the petitioner does not deserve acceptance.

In view of the above, no ground is made out to interfere with the well-reasoned order passed by the Court below.

Dismissed.

18.05.2022

Aman Jain

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(HARNARESH SINGH GILL)

JUDGE