

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

123

CRM-M-23788-2022 (O&M)

Date of decision: 01.06.2022

ANAND SAXENA

....Petitioners(s)

Versus

STATE OF HARYANA AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Mr. ADS Jattan, Advocate
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG Haryana.

VINOD S. BHARDWAJ. J. (ORAL)

The instant petition has been filed under Section 482 Code of Criminal Procedure (hereinafter referred to as 'CrPC') for issuance of direction to the respondent Nos.1 to 3 for filing of the final report/ untraced report under Section 173 CrPC in case bearing FIR No.261 dated 21.07.2007 under Sections 420, 467, 468, 471 and 120-B of the Indian Penal Code, 1860 registered at Police Station Ambala Cantt., District Ambala.

Considering that the FIR in question pertains to the year 2007, learned State counsel was directed to seek instructions vide order dated 27.05.2022 regarding the status of the said case. A further time was sought by the learned State counsel to verify the actual status of the case and the same was granted vide order dated 30.05.2022.

Today on resumed hearing, learned State counsel has pointed out that after the commencement of the proceedings in the aforesaid FIR, the petitioner had filed a quashing petition bearing CRM-M-24395-2009 before this Court, wherein further proceedings had been stayed vide order dated 22.03.2011. He further submits that the said quashing petition was eventually dismissed for want of prosecution vide order dated 14.08.2012. However, on account of the earlier order directing the stay of further proceedings, the proceedings in the trial was

adjourned *sine die* vide order dated 25.07.2011 by the Court of Judicial Magistrate First Class, Ambala and the proceedings in question could not continue any further.

Apparently the explanation tendered does not inspire much confidence as prosecution was under the obligation to keep a track of the proceedings and as and when the said proceedings came to an end an application for revival of the proceedings before the trial Court ought to have been filed by the prosecution.

Be that as it may, with a view to take the proceedings to a logical end and considering the age of the petitioner, learned counsel for the petitioner contends that he would be satisfied in case the Court is directed to conclude the proceedings expeditiously and in a time bound manner. The aforesaid prayer made by learned counsel for the petitioner is not objected to by the learned State counsel.

In view of the above, the present petition is disposed of with a direction to the prosecution to immediately move an application before the Illaqa Magistrate for seeking revival of the proceedings and to thereafter expeditiously lead the prosecution evidence and preferably within a period of 06 months from the date next fixed for seeking revival of the proceedings before the trial.

Needless to mention that such an application seeking revival of the proceedings ought to be moved by the prosecution within 02 weeks from today.

(VINOD S. BHARDWAJ)
JUDGE

June 01, 2022

S.Sharma(syr)

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*