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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-765-2021 (O&M)

Decided on: 04.08.2022

Walnut Infratech Pvt. Ltd.

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: None for the petitioner.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of the FIR No.563 dated 13.09.2020, under Sections 420/120-B IPC, registered at Police Station Sadar, Gurugram.

When this matter came up for hearing on 06.04.2022, this Court had passed a detailed order by highlighting that the learned counsel for the petitioner had been taking repeated adjournments for arguing the matter and another request had been made on that day by learned proxy counsel for the petitioner for an adjournment and it was adjourned, subject to payment of Rs.10,000/- as costs. The order dated 06.04.2022 is reproduced as under:-

“The present petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of the FIR No.563 dated 13.09.2020, under Sections 420/120-B IPC, registered at Police Station Sadar, Gurugram.

On 08.01.2021 when the matter came up for hearing before this Court the counsel for the petitioner had prayed for some time to seek instructions regarding the payment of balance amount vide settlement dated

04.03.2019 and requested for adjourning the matter. On the next date i.e. On 30.04.2021 the learned counsel for the petitioner had prayed for adjournment and the matter was adjourned. Thereafter again on 12.08.2021 a request for adjournment was made and the matter was adjourned. On 17.09.2021 nobody caused appearance on behalf of the petitioner and, therefore, in the interest of justice, the matter was adjourned. Thereafter on 27.09.2021 the learned counsel for the petitioner had prayed for some more time to place on record orders passed by the learned Sessions Court and again the matter was adjourned. Thereafter on 18.11.2021 again adjournment was sought by the learned counsel for the petitioner and the matter was adjourned. Thereafter on 13.01.2022 learned counsel for the¹ of petitioner did not turn up and since the matter was taken up through video conferencing, the Registry of the Court was directed to inform the learned counsel for the petitioner with regard to the next date of hearing by way of written communication. Thereafter on 23.02.2022 learned counsel for the petitioner again sought time to place on record the orders passed by the learned Sessions Court, Gurugram. Thereafter on 15.03.2022 the learned proxy counsel appearing on behalf of the petitioner again sought another opportunity to place on record some documents and the matter was adjourned.

Today again when the matter came up for hearing, the learned counsel for the petitioner is not present. However, Ms. Lipika, Advocate has appeared as a proxy counsel for the learned counsel for the petitioner and again prayed for an adjournment on the ground that the learned counsel for the petitioner is in personal difficulty.

On a specific query being asked to the learned

proxy counsel as to what is the personal difficulty, she was not able to answer the same.

In view of the aforesaid facts and circumstances, the prayer made by the learned proxy counsel for the learned counsel for the petitioner is accepted subject to payment of Rs. 10,000/- as costs to be deposited in the Poor Patient Welfare Fund, PGI Chandigarh by the petitioner.

Adjourned to 04.08.2022.”

Today again, the matter has been called thrice but nobody has caused appearance on behalf of the petitioner and the Registry has reported that there is no receipt with regard to the costs, which was directed to be paid by this Court, which was imposed on the basis of a request made by learned proxy counsel for the petitioner for seeking adjournment.

In view of the aforesaid position, the present petition is dismissed for non-prosecution.

04.08.2022

Bhumika

**(JASGURPREET SINGH PURI)
JUDGE**

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| 1. Whether speaking/reasoned: | Yes |
| 2. Whether reportable: | Yes/No |