

130 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46452-2023
Decided on : 03.10.2023

Sonia

..... Petitioner

Versus

Shekhar Wadhwa and others

..... Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Onkar Singh, Advocate
for the petitioner.

Manjari Nehru Kaul, J.(Oral)

The petitioner is impugning the orders dated 06.02.2023 and 10.08.2023 (Annexures P-31 and P-33 respectively) vide which the application for recording her statement at the stage of post charge evidence has been dismissed in Complaint case No.311/08 dated 08.11.2007.

2. Learned counsel for the petitioner *inter alia* contends that the impugned orders had been passed by the Courts below without due compliance of order dated 09.12.2021 (Annexure P-29) passed by this Court. While drawing the attention of this Court to the aforementioned order passed by the Coordinate Bench of this Court in CRM-M-50423-2021, it has been argued that the petitioner-complainant had been granted permission to get her statement recorded at the stage of post charge evidence. However, the Courts below while passing the impugned orders had ignored the order passed by the Coordinate Bench of this Court passed in CRM-M-50423-2021 by not letting the petitioner record her statement. Hence, the impugned orders deserved to be set aside. A

prayer, therefore, has been made by the petitioner to allow the instant petition for getting her statement recorded at the stage of post charge evidence before the trial court.

3. Heard learned counsel and perused the relevant material available on record.

4. This is the third petition, which has been filed under Section 482 Cr.PC by the petitioner with a prayer to get her statement recorded at the stage of post charge evidence. The first application seeking similar relief was dismissed vide detailed order of learned trial Court on 23.04.2018 (Annexure P-12). Thereafter, the petitioner approached this Court to impugn the said order of the trial Court vide CRM-M-3223 of 2019, however, the said petition was dismissed as withdrawn without seeking any liberty to file afresh. Subsequently, the petitioner moved another application before the trial Court for getting her statement recorded at the stage of post charge evidence. It is a matter of record that the said application was dismissed by the trial Court vide order dated 09.10.2019 (Annexure P-25) with costs. The said order (Annexure P-25) of the trial Court was then impugned before the Revisional Court, which too was dismissed vide order dated 18.12.2019 (Annexure P-27). Yet again, the petitioner impugned the said order before this Court by filing CRM-M-50423-2021, which was dismissed by this Court vide order dated 09.12.2021 (Annexure P-29) in the following terms:

“This is a petition filed under Section 482 of Cr.P.C. for quashing of impugned orders dated 09.10.2019 (Annexure P-25) and dated 18.12.2019 (Annexure P-27) vide which the application for recording the statement of the petitioner at the

stage of post charge evidence has been dismissed alongwith costs imposed upon the petitioner. A further prayer has been made to allow the petitioner to record her statement in post charge evidence in Complaint case No.311/08 dated 08.11.2007 titled as Sonia Versus Shekhar Wadhwa and others under Sections 166, 167, 201, 218, 420, 427, 465, 467, 468, 471, 120-B of the Indian Penal Code, 1860, pending before the Additional Chief Judicial Magistrate, Panipat.

Faced with the fact that the similar order dated 18.09.2018 passed by the Additional Chief Judicial Magistrate, Panipat, vide which the post charge examination of the petitioner had been refused by the Court, was challenged by the petitioner by way of filing a petition bearing CRM-M-3223-2019 and was thereafter withdrawn without seeking any liberty to file fresh petition, learned counsel for the petitioner seeks permission of this Court to withdraw the present petition with liberty to take up all the points as raised in the present petition during the course of trial.

In view of the above, the present petition is dismissed as withdrawn with liberty aforesaid.

Learned counsel for the petitioner has further submitted that costs of Rs.10,000/- had been imposed upon the petitioner out of which, she has already deposited Rs.5,000/- and it is prayed that the petitioner may kindly be exempted from paying the remaining costs of Rs.5,000/-.

In view of the fair conduct of learned counsel for the petitioner in pursuing the present matter before this Court, this Court exempts the petitioner from paying the remaining costs of Rs.5,000/- out of the total costs of Rs.10,000/- imposed upon the petitioner, if not already paid.”

5. A bare reading of the above reproduced order clearly indicates that the petition was withdrawn by the petitioner with liberty to raise all the pleas before the learned trial Court. The contention of the learned counsel for the petitioner that there had been non-compliance of the orders of this Court dated 09.12.2021 inasmuch as the Court had declined to permit the petitioner for getting her statement recorded at the post charge evidence stage, stands totally belied as no such directions were given. Hence, the Court cannot be faulted with in any manner for declining the prayer of the petitioner to get herself examined at the stage of post charge evidence. Rather a perusal of the impugned order dated 06.02.2023 (Annexure P-31) reveals that the Court while dismissing the application filed by the petitioner has categorically observed that she appears to be intentionally moving frivolous applications just to delay the proceedings of the case and further, she had also been advised to be careful in future.

6. This Court does not find any merit in the instant petition and the same is dismissed being devoid of any merit. The petitioner is warned not to level baseless allegations against the Court of law with respect to non-compliance of any order passed by this Court. It is made clear that in case, the petitioner indulges in such dilatory tactics in future, this Court would be constrained to impose heavy costs on her for wasting the precious time of this Court.

(MANJARI NEHRU KAUL)
JUDGE

03.10.2023

sonia

Whether speaking/reasoned:

Yes/No

Whether reportable :

Yes/No