

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-1328-2023

Date of Decision: 10.04.2024

Jagsir Singh @ Babli and another

.... Petitioners

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - None for the petitioners.

Mr. S.S. Chahal, AAG, Punjab.

None for respondents No. 2 to 4.

NIDHI GUPTA, J. (ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of Criminal Complaint dated 28.01.2015 (COMI/89/2015) titled as 'Vijay Singh vs. Jagsir Singh and Anr.' (Annexure P-1) filed under Sections 452, 323, 354 and 506 read with Section 34 IPC, pending adjudication before the learned Sub Divisional Judicial Magistrate, Talwandi Sabo, along with all the consequential proceedings arising therefrom including judgment dated 29.11.2022 (Annexure P-2) passed by the learned Judicial Magistrate Ist Class, Talwandi Sahib, whereby the petitioners have been convicted under Sections 452, 323, 354 and 506 read with Section 34 IPC, on the basis of compromise deed dated 10.12.2022 (Annexure P-3).

On 12.09.2023, when this case was listed for hearing, following was passed by a co-ordinate Bench of this Court:-

“Vide order dated 12.01.2023, the parties were directed to appear before the concerned Illaqa Magistrate on 08.02.2023 for recording of their statements. Respondent No.3 did not appear for recording of her statement. Thereafter, vide order dated 12.04.2023 yet another opportunity was granted for recording of the statements and the parties were directed to appear before the Illaqa/Duty Magistrate on 15.05.2023 for getting their statements recorded. Yet again respondent No.3 did not appear for getting the statement recorded.

Today again a request has been made by learned counsel for the petitioner that one last opportunity be granted to get the statement of respondent No.3 recorded.

Already two opportunities have been granted and the matter has been pending before this Court since January 2023. It appears that respondent No.3 has no respect for the orders passed by this Court and despite making a statement through her counsel on 12.01.2023, she did not appear before the Illaqa/Duty Magistrate for getting her statement recorded. However, in the interest of justice, one last opportunity is granted for recording of the statements subject to payment of Rs.30,000/- as costs by respondent No.3 to be deposited with the High Court Lawyers Welfare Fund.

*In view of the above, in compliance of order dated 12.01.2023, the parties are directed to appear before the concerned Illaqa/Duty Magistrate on **04.10.2023** or on any other date convenient to the Court, for recording their statements.*

*List on **01.12.2023.**”*

Pursuant thereto, report from the learned Judicial Magistrate Ist Class, Talwandi Sabo, vide letter dated 31.10.2023 duly forwarded by the learned District and Sessions Judge, Bathinda, has been received, as per which neither respondent No. 3 appeared before the learned Court concerned nor she has produced the receipt qua deposit of Rs.30,000/- as costs in terms of order reproduced above. Perusal of the file shows that 03 opportunities (including last opportunity) have been granted to

respondent No. 3 to appear before the trial Court, but she failed to do so. Even none has put in appearance on behalf of the petitioners today, despite the case having been called twice.

In view of the above, this Court is left with no other option except to dismiss the present petition for non-prosecution.

Ordered accordingly.

10.04.2024
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No