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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-27784-2023 (O&M)

Date of Decision: 18.07.2024

HARISH @ RAKESH KUMAR

.....PETITIONER

Vs.

STATE OF U.T. CHANDIGARH AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present:- None for the petitioner.

Mr. Manish Bansal, P.P. U.T., Chandigarh with
Ms. Diksha Sharma, Advocate,
for respondent-U.T. Chandigarh.

HARPREET KAUR JEEWAN J. (ORAL)

1. This is the 2nd petition filed under Section 482 Cr.P.C. for quashing of FIR No. 68, dated 28.05.2019, registered at Police Station Sector 19, Chandigarh, under Sections 366 and 376 (2) of the IPC and Section 6 of the Protection of Children from Sexual Offences, Act, 2012, on the basis of compromise deed dated, 15.01.2020 (Annexure P-2) between the parties.

2. The first petition was dismissed for non-prosecution, vide order dated 31.10.2022, passed by the co-ordinate Bench of this Court in CRM-M-2601-2022 (Annexure P-7). The relevant portion of the said order reads as under:-

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XXXX

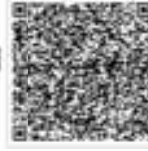
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“None appeared for the petitioner even on the last date of hearing i.e. 23.08.2022 and last opportunity was granted for addressing arguments.

The position is same today also.

It appears that the petitioner is not interested in pursuing the case.



Dismissed for non-prosecution.”

3. Thereafter, instead of filing an application for restoration of the aforesaid petition, this second petition under Section 438 Cr.P.C. has been filed by the petitioner on 25.05.2024, which was listed for the first time on 31.05.2023. On the first date itself, on request of the counsel for the petitioner, it was adjourned for 22.08.2023.

4. On 08.04.2024, the following order was passed by this Bench:-

“Mr. Savreet Singh Brar, Advocate has caused appearance on behalf of respondents No.2 and 3 and filed his power of attorney which is taken on record.

Learned counsel for the petitioner seeks a short accommodation to assist the Court as to how the second petition under Section 482 Cr.P.C. is maintainable when the first petition under Section 482 Cr.P.C. has been dismissed for non-prosecution.

Adjourned to 21.05.2024.

In the meantime, marriage certificate be also filed.”

5. Today, even on 2nd call, no one has put in appearance on behalf of the petitioner, as well as respondents No. 2 and 3 and further no application has been moved seeking permission to place on record the marriage certificate, in compliance of the aforesaid order.

6. It seems that the petitioner is not interested in pursuing the present petition.

7. Dismissed for non-prosecution.

8. Pending miscellaneous application(s), if any, shall also stand disposed of.

July 18, 2024
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(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking	Yes
Whether reportable	No