



CRM-M-29997-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(129)

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Date of decision: - 18.06.2024

Raja Krishnavenamma

....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Sahil Goel, Advocate,
for the petitioner. (Through VC)

VIKAS BAHL, J. (ORAL)

1. This is a petition filed under Section 482 of Cr.P.C. for quashing the order dated 28.05.2024 (Annexure P-7) passed by the JMIC, Panchkula titled as "Harish Kumar Vs. Raja Krishnavenama and another", in a complaint No.NACT 424/2023 dated 25.05.2023 under Section 138 of the Negotiable Instruments Act, whereby non-bailable warrants have been issued against the petitioner.

2. It is not in dispute that the petitioner had earlier filed a petition bearing CRM-M-16483-2024, which was disposed of by the Co-ordinate Bench of this Court in the following terms: -

"By way of this petition filed under Section 482 Cr.P.C., prayer is made to quash order dated 18.03.2024 (Annexure P-7) passed by learned JMIC, Panchkula in criminal complaint No.NACT/424/2023 titled as 'Harish Kumar v. Raja Krishnavenamma', whereby presence of the petitioner was sought to be secured through warrants of arrest.



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The impugned order dated 18.03.2024 reads as under:

“CNR No: HRPK030061232023 CIS No: NACT-424-2023

Harish Kumar v. Raja Krishnavenamma

Present: Sh. Parmod Bhardwaj Advocate for complainant.

Accused is not present.

Today the case was fixed for presence of accused and last opportunity was granted. Perusal of file reflects that in pursuance of bailable warrants an application for exemption from personal appearance of accused have been repeatedly moved on 08.01.2024, 05.02.2024 and 09.03.2024.

On 05.02.2024, the counsel appearing on behalf of accused had undertaken that accused would pay the full and final payment by the next date of hearing. In pursuance of her submissions case was put up in National Lok Adalat wherein the same submissions were made and another adjournment was requested. However, strongly opposed by the complainant. Today, no one has appeared on behalf of accused. Neither the accused nor any counsel or proxy counsel have appeared on his behalf. It appears that the adjournments were sought only to delay the case. There is no doubt regarding the fact that accused has knowledge regarding the pendency of the case and is intentionally not appearing before the court. Accordingly, let his presence be secured through warrants of arrest for 13.05.2024.

(Pallavi Ojha)

JMIC/Panchkula

Date of order: 18.03.2024

UID No. HR-0439

Paramjit”

Learned counsel contends that due to some medical issues, petitioner could not appear; that petitioner is ready to surrender and that, he will make payment of all the dues as was settled in the Lok Adalat.

Perusal of the impugned order itself reflects the conduct of the petitioner who made repeated application seeking his exemption. Be that as it may, this petition is hereby disposed of with the direction to the petitioner to surrender before the Trial Court on or before 13.05.2024, the date already fixed thereat. In the meantime, if petitioner is sought to be arrested on account of warrants of arrest having been issued against him, he shall be admitted to interim bail to the satisfaction of Arresting Officer.

This order has been passed subject to cost of ₹10,000/- to be

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deposited in District Legal Services Authority, Panchkula.

Apart from the above, petitioner is directed to make payment in compliance of the settlement arrived at in the National Lok Adalat, as is referred in the impugned order.”

3. It is also not in dispute that the petitioner has not complied with the said order.

4. Learned counsel for the petitioner, in view of the above, seeks to withdraw the present petition.

5. Dismissed as withdrawn, as prayed for.

June 18, 2024
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No