

CRM-M-44239-2019

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2024:PHHC:095028



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-44239-2019

Date of Decision: 22.07.2024

Rishi Pal

.... Petitioner

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - None for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

None for respondent No. 2.

NIDHI GUPTA, J. (ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No. 0074 dated 02.06.2016 (Anenxure P-1/T) registered under Section 354-A IPC at Police Station Lalru, District SAS Nagar, Mohali and also for setting aside the judgment of conviction and order of sentence dated 09.02.2018 (Annexure P-2), passed by the learned Judicial Magistrate Ist Class, Dera Bassi, convicting the petitioner under Section 354-A(1)(iv) IPC and sentencing him to undergo rigorous imprisonment for a period of 06 months and to pay a fine of Rs.2000/- and all consequential proceedings arising therefrom on the basis of compromise dated 15.04.2019 (Annexure P-3).

Perusal of the file shows that earlier this case was dismissed



for non-prosecution vide order dated 11.03.2024, passed by this Court, which reads as under:-

“Order sheets show that this petition pertains to the year 2019 and on 28.2.2020, 18.5.2023, 07.8.2023 and 04.10.2023 the case was adjourned on request of learned counsel for the petitioner and on 18.5.2022, 03.8.2022, 30.1.2023 and 23.2.2024 there was no representation on behalf of learned counsel for the petitioner. Even today nobody on behalf of petitioner is present to pursue this petition. It seems that the petitioner is no more interested to pursue the present petition.

Dismissed for non-prosecution.”

Thereafter, the petitioner had moved an application bearing CRM-15381-2024, for restoration of main petition, which was allowed by this Court vide order dated 15.04.2024, which is hereby reproduced as under:-

“Prayer in this application is for restoration of the main petition, which was dismissed in default for non-prosecution vide order dated 11.03.2024 passed by this Court.

Perusal of the record shows that on 11.03.2024, when the order in question was passed, there was no representation on behalf of respondent No.2 as well.

For the reasons mentioned in the application, which is duly supported by affidavit of the applicant-petitioner, same is allowed. Order dated 11.03.2024 is recalled and the main petition alongwith applications, if any, is restored to its original number, however, subject to payment of costs of Rs.20,000/- (Rs.10,000/- imposed upon the applicant-petitioner and Rs.10,000/- imposed upon respondent No.2) to be deposited with the Punjab and Haryana High Court



Bar Association (Benevolent Fund), Chandigarh within two weeks from today, failing which, the main petition i.e. CRM-M-44239-2019 shall stand automatically dismissed.

The main petition be listed for hearing on 22.07.2024.”

Today, again there is no representation on behalf of the petitioner as well as respondent No. 2, despite the case having been called twice and the costs of Rs.20,000/- so imposed upon the petitioner and respondent No. 2 in equal shares i.e. Rs.10,000/- each has also not been deposited by them.

In view of the above, this Court is left with no other option except to dismiss the instant petition.

Ordered accordingly.

22.07.2024
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No