

121
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-8148-2022
Date of Decision: 07.04.2022

Amanpreet and others

...Petitioner(s)

Versus

State of Punjab and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. B.S. Randhawa, Advocate for the petitioners.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of the FIR No.132 dated 14.07.2020, under Sections 323, 324, 506, 148, 149 and 452 IPC, registered at Police Station City Nawanshahar, District SBS Nagar, based upon compromise dated 11.01.2022 (Annexure P-2).

At the time of arguments a specific query was raised to the learned counsel for the petitioners regarding concealment of earlier petitions. Some of these present petitioners had earlier also filed a quashing petition based upon compromise vide CRM-M-30672-2021 which was dismissed as withdrawn with liberty to file a fresh petition with better particulars on 03.08.2021 and thereafter some of the present petitioners again filed a quashing petition based upon compromise vide CRM-M-38116-2021 and the matter was taken upon 13.12.2021 by the Co-ordinate

Bench. The petitioners withdrew the petition on 13.12.2021. Thereafter, in a gap of about 2 months the petitioners have again filed a quashing petition through another counsel without disclosing that earlier also they had filed quashing petition which was dismissed as withdrawn on 13.12.2021. The learned counsel for the petitioners has not been able to justify as to why such a concealment was done and why he could not bring to the notice of this Court regarding earlier petitions. He has however prayed for the withdrawal of the present petition.

The prayer of the learned counsel for the petitioners for withdrawal of the present petition is accepted.

The present petition is dismissed as withdrawn.

However, this Court at this stage deems it necessary to take a judicial cognizance of such kind of practice which pertains to legal ethics. The subject of legal ethics has *hitherto* been ignored. The duty of an Advocate towards the Court and towards his client is of utmost importance for the survival of the Institution itself. Therefore, an endeavour can be made for future purposes as to what safeguards and steps should be followed to restore and streamline the esteemed principles of legal ethics which should be imbibed in the legal system. Therefore, this Court invokes its extra ordinary jurisdiction under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure to explore the un-attended areas of legal ethics pertaining to duty of an Advocate towards the Court and his client. Although the present petition has been withdrawn but the proceedings will continue

only to a limited extent of getting suggestions from various corners for the purpose of streamlining the system. There are various other areas as well pertaining to legal ethics which need to be addressed at macro level.

Therefore, in such circumstances, this Court appoints Mr. Anupam Gupta, learned Senior Advocate as an *amicus curiae* to assist the Court.

The Registry is directed to supply copy of the paper-book to Mr. Anupam Gupta, learned Senior Advocate.

Apart from the same, this Court also requests the Chairman of Bar Council of Punjab and Haryana, Chandigarh through its Chairman and also the Bar Association of Punjab and Haryana High Court, Chandigarh through its President to give their valuable suggestions.

Copies of this paper-book be supplied to them as well.

Post this case for hearing on 04.05.2022.

07.04.2022

rakesh

(JASGURPREET SINGH PURI)

JUDGE

Whether speaking
Whether reportable

: Yes/No
: Yes/No