

**254 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM No.M-23137 of 2013

Date of Decision: February 05, 2015

Smt. Kamaljit Kaur @ Kulwinder Kaur

.... Petitioner

vs.

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. J.B.S. Gill, Advocate for the petitioner.

Mr. Ashish Sanghi, Deputy Advocate General, Punjab.

1. Whether Reporters of Local Newspapers may be allowed to see the judgment?

2. To be referred to the Reporters or not?

3. Whether the judgment should be reported in the Digest?

Kuldip Singh J.(Oral)

The petitioner has filed this petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing the FIR No.165, dated 04.10.2006, under Sections 420 of the Indian Penal Code, 1860, registered at Police Station Mahilpur, District Hoshiarpur along with all the consequential proceedings.

It is stated that the petitioner along with four co-accused were charging ₹50/- for filling in the forms. All the accused except the present petitioner were arrested. Accordingly, the present petitioner become proclaimed offender. Therefore, remaining four accused were tried by the learned Judicial Magistrate 1st Class, Hoshiarpur and acquitted of the charges framed against them, vide judgment dated 20.10.2012 (Annexue P-2).

Learned counsel for the petitioner states that now the petitioner has come forward and in pursuant to the order dated 19.07.2013 passed by this Court, she had surrendered before the trial court. He has further stated that the same set of witnesses are to be examined. Therefore, the proceedings against the present petitioner may be quashed.

In this regard reliance has been placed upon the judgment of Single Bench of this Court in case of ***“Gurwinder Singh @ Mintu vs. State of Punjab”, 2012(3) R.C.R.(Criminal)***

I have heard the learned counsel for the parties and have also carefully gone through the case file.

I am of the view that the quashing of the FIR is not a matter of right when the present petition is misusing of the process of court. The petitioner is not entitled to any relief.

In the present case, the present petitioner was not arrested from the spot. She also did not face the trial and was declared proclaimed offender. The trial commenced on 14.05.2007 and was decided on 20.10.2012. In this way, the remaining accused faced the trial for 5-1/2 years. Therefore, during the aforesaid period, the present petitioner remained proclaimed offender. Once the judgment of acquittal passed, she filed the present petition in the year 2013. It is nothing but the misuse of the process of court. The petitioner has been watching the proceedings and without facing the

trial, she wants that the judgment of acquittal should be passed in her favour.

Keeping in view the conduct of the petitioner, this Court is not inclined to exercise the discretionary powers under Section 482 Cr.P.C. Let the petitioner face the trial and wait for the outcome of the same.

Hence, the present petition is dismissed.

February 05, 2015
sarita

(KULDIP SINGH)
JUDGE