

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-25091 of 2015 (O&M)
Date of Decision: August 17, 2015

Anil Kumar

...Petitioner

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Rajveer Singh Parmar, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. for quashing of FIR No.210 dated 12.07.2007 under Sections 323, 342, 498-A, 406 and 34 IPC registered at Police Station City Phagwara, District Kapurthala and for quashing of order dated 12.09.2012 vide which the petitioner was declared Proclaimed Person.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that in the present case FIR has been got registered by complainant Seema Mandla against her husband Anil Kumar, father-in-law Shiv Kumar, mother-in-law Gurdev Kaur and brother-in-law Bimal Kumar in the year 2007. Since then the present petitioner has neither joined the investigation nor appeared in

the Court. Admittedly, the challan was presented against Shiv Kumar, Gurdev Kaur and Bimal Kumar. The present petitioner has been declared Proclaimed Person vide impugned order dated 12.09.2012. passed by learned SDJM, Phagwara. Other accused namely Shiv Kumar, Gurdev Kaur and Bimal Kumar were charge-sheeted and as per Annexure P-3, they have been acquitted vide judgment dated 11.09.2014 on the ground of insufficient evidence produced before the Court and prosecution has not proved its case by leading cogent evidence beyond reasonable doubt. This judgment nowhere shows that witnesses have been disbelieved or termed as false witnesses. There is no finding by learned SDJM, Phagwara in the judgment dated 11.09.2014 while acquitting the co-accused that FIR is false version. Therefore, from the judgment dated 11.09.2014, the present petitioner cannot take any benefit and on this ground the FIR cannot be quashed.

Anil Kumar being husband of the complainant-respondent No.2, is the main accused. The main allegations under Sections 498-A, 406 etc. are against him. The present petition has been filed in the year 2015, when the FIR has been registered in the year 2007 and other family members including parents and brother of the present petitioner, at that time, were facing trial. Thus, it can be stated that the present petitioner has the knowledge of the proceedings and he has been intentionally avoiding the process of law. Nothing has been shown as to how order dated 12.09.2014 declaring present petitioner as Proclaimed Person after issuance of publication, is illegal or

against the law.

In view of the above discussion, I find that there is nothing on the record to show that registration of present FIR is abuse/misuse of process of law.

Therefore, finding no merit in the present petition, the same is dismissed.

August 17, 2015
Vgulati

(INDERJIT SINGH)
JUDGE