

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

**Criminal Misc. No. M-26133 of 2014
Date of decision: 27.02.2015.**

Jagroop Singh Mann

..Petitioner

Versus

State of Punjab and another

..Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see judgment?**
- 2. To be referred to reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

Present: Mr. Arvind Thakur, Advocate
for the petitioner.

Mr. T.N. Sarup, Addl. AG, Punjab
for respondent No.1 – State.

Mr. D.S. Nigha, Advocate
for respondent No.2.

Daya Chaudhary, J. (Oral)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.387 dated 11.11.2003 registered under Sections 307, 323, 506 read with Section 34 of Indian Penal Code (for short 'IPC') at Police Station Banga, District SBS Nagar, Punjab.

Learned counsel for the petitioner submits that the petitioner was away to abroad since 2004. The proceedings have been initiated at his back. The matter was compromised within a

period of one month from the date of occurrence and the complainant has also given an affidavit to this effect. Learned counsel for the petitioner further submits that the co-accused of the petitioner died during pendency of the proceedings. Earlier also, the petitioner and his co-accused filed a petition bearing Criminal Misc. No.22812-M of 2004 before this Court for quashing of FIR on the basis of compromise and an affidavit was also given by the complainant but the same was dismissed as withdrawn. However, it was observed that it will be open for the investigating agency to look into the compromise and then to take appropriate steps for submitting the final report. Thereafter, the petitioner left India and came back on 27.11.2011. During this period, the petitioner was declared as proclaimed offender. Learned counsel for the petitioner also submits that the present petition has been filed not only to challenge the proclaimed offender order but prayer has also been made for quashing of FIR in dispute. Learned counsel for the petitioner also submits that in compliance of order passed by this Court on 20.11.2014, the petitioner has surrendered before the trial Court and has also been released on interim bail.

Complainant in the present case has been stated to be abroad and now his father is appearing on his behalf.

Learned counsel appearing on behalf of father of the complainant submits that the compromise was arrived at with the petitioner at the initial stage and the father of the complainant submits

that he has no objection in quashing of the FIR and other proceedings.

Since the complainant is not present before this Court and no statement can be made by father of the complainant, FIR cannot be quashed at this stage.

However, keeping in view the submissions made by learned counsel for the petitioner and also the fact that he has surrendered before the trial Court, the trial Court is directed to make all efforts to conclude the trial within a period of three months from the date of receipt of certified copy of the order.

The present petition is disposed of with the aforesaid directions.

27.02.2015
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(DAYA CHAUDHARY)
JUDGE