

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M 9077 of 2015****Date of decision : 08.05.2015**

Kulwinder Ram

....Petitioner

V/s

State of Punjab & anr.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. S.K. Bawa, Advocate for the petitioner.

Mr. Shilesh Gupta, Addl. A.G. Punjab.

Mr. Mukesh Kumar Bhatnagar, Advocate
for respondent no. 2.**RAJAN GUPTA J.**

Petitioner has filed this petition under Section 482 Cr.P.C. for quashing of FIR No. 75 dated 10.04.2007 registered under Sections 323, 452, 506, 120-B, 148 & 149 IPC at Police Station Phillaur, District Jalandhar on the basis of compromise.

Case was registered on complaint of Harpreet Singh who alleged that on 10.04.2007 at about 10.00 P.M., petitioner alongwith other accused entered his house and inflicted injuries. After the occurrence, all of them fled from the scene. Admittedly, petitioner is a proclaimed offender and never appeared before the trial court. He now seeks quashing of FIR on two grounds, one that co-accused have been acquitted, other that there has been a compromise with the complainant. In my considered view both the grounds are untenable. Petitioner absconded from the process of law. He was declared proclaimed offender vide order dated 18.05.2011. In judgment reported as *Rajan Rai vs. State of Bihar*,

2005(4) RCR (Criminal) 885 the apex court held that trial of co-

accused tried separately is wholly irrelevant in subsequent trial of accused who was not tried earlier. The judgment of acquittal of co-accused would not be admissible within the meaning of section 40 to 44 of the Evidence Act. In my considered view, plea of the petitioner is mis-conceived and deserves to be out-rightly rejected. As petitioner absconded during the pendency of trial, he is not entitled to seek quashing of FIR on the basis of judgment in *Kulwinder Singh and others vs. State of Punjab, 2007(3) RCR (Crl.)* 1052. Petition is without any merit and is hereby dismissed.

May 08, 2015

Ajay

(RAJAN GUPTA)
JUDGE