

CRM-M-22333 of 2015

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

CRM-M-22333 of 2015

Date of decision : 04.10.2016

Khalid Nashim

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Dixit Garg, Advocate for
Mr. P.K. Rohilla, Advocate for the petitioner.

Mr. Naveen Kaushik, Addl. A.G., Haryana.

JITENDRA CHAUHAN, J. (Oral)

By filing this petition under Section 482 of the Code of Criminal Procedure, petitioner-Khalid Nashim seeks quashing of FIR No. 20 dated 16.01.2014, registered under Sections 292, 509, 506 of the Indian Penal Code (for short 'the IPC') and Sections 66A and 67 of Information Technology Act at Police Station Gharaunda, District Karnal.

It is contended that respondent No. 2/complainant and the petitioner were closely known to each other. The mobile number was given by respondent No. 2 herself to the petitioner.

The brief facts necessary for disposal of the petition are that respondent No. 2 got registered the instant FIR on the allegations that during her study at Kurukshetra University, she had come in contact with

the petitioner on her ID around three years ago. They had been chatting for some time, thereafter, she discontinued the same. Then the petitioner took her mobile number from somewhere and started sending indecent messages to her, forcing her to switch off her mobile number. In the meantime, she got married to Gurvinder Singh. The petitioner sent objectionable messages to him as well as his friends. The messages were also sent to the brother of the respondent No. 2/complainant. The petitioner also allegedly created five facebook profiles of her and uploaded vulgar messages with edited obscene pictures on social media. A threat messages with her obscene picture was also sent to her brother Raman from the mobile Nos. +966555793780, +919122990298 and +918826243852 on 01.01.2014.

On the other hand, learned State counsel submits that the petitioner was declared as proclaimed offender on 03.10.2015 and challan against him stands presented showing him as proclaimed offender. Therefore, unless the petitioner surrenders to the jurisdiction of the Court, no relief can be granted to a proclaimed offender.

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

The petitioner is a proclaimed offender. He seeks to invoke the jurisdiction of this Court without surrendering himself before the jurisdiction of the trial Court. No relief can be granted to a proclaimed offender. Otherwise also, the sending of obscene messages from the mobile number of the petitioner to respondent No. 2 is a disputed question of fact, which cannot be decided in the instant petition and the same needs to be

adjudicated after evidence by both the parties is led. The same shall be decided by the trial Court after appraisal of the evidence.

In view of the aforesaid facts and circumstances, this Court feels that no cause of action has arisen in favour of the petitioner to invoke the inherent jurisdiction of this Court by way of filing the instant petition. Consequently, the instant petition is, hereby, dismissed.

October 04, 2016.

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned:

√
Yes/No

Whether reportable:

√
Yes/No