

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

Cr. Misc. M 25273 of 2016
Date of decision: 27.7.2016

Prem Singh

Petitioner

vs.

State of Punjab and ors

Respondent

Present: Mr. PK Singh, Advocate.

M.M.S.BEDI,J.

Quashing of FIR has been prayed for on the basis of compromise, which has been registered at the instance of Simran Sandhu alleging that on 8.10.2014 her husband Charanjit Singh had been abducted. On the basis of compromise (Annexure P-2) counsel for the petitioner submits that the petitioner has not been identified by the complainant to be amongst the other accused, allegedly responsible for the abduction.

Counsel for the petitioner has submitted that the person named as Prem Singh is not the petitioner and that he has been wrongly declared a proclaimed offender. On the basis of the statement of the complainant in the shape of compromise, it is claimed that the petitioner is not the same Prem Singh, who has been named as an accused.

In view of the above said circumstances, it appears that after presentation of challan against the co-accused of the petitioner in the FIR, in which petitioner's name exists, partial quashing of the FIR qua the petitioner will not be appropriate. It will be open to the petitioner to avail any other legal remedy, in accordance with law, to protect his liberty on the basis of any settlement/ supplementary statement of the complainant.

The controversy regarding petitioner not being “Prem Singh” named in the FIR and being a different person, who has been declared a proclaimed offenders cannot be adjudicated upon in the present petition.

Disposed of as not maintainable at this stage, without prejudice to any other legal right of the petitioner, as per law.

July 27 ,2016
TSM

(M.M.S.BEDI)
JUDGE

Whether speaking/ reasoned

Yes/ No

Whether reportable

Yes/ No