

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

CRM-M-34671 of 2016 (O&M)

Date of decision : 19.10.2016

Ranvir Singh

...Petitioner(s)

Versus

State of Punjab and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Ms. Sarika Gupta, Advocate for the petitioner.

JITENDRA CHAUHAN, J. (Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of impugned order dated 18.12.2004 (Annexure P-3) and its operation against petitioner-Ranvir Singh in FIR No.147 dated 11.09.2003 registered under Sections 323, 324, 326 and 341 read with Section 34 of the Indian Penal Code (for short 'the IPC'), at Police Station Balachaur, District Nawanshahr on the basis of compromise arrived at between the parties.

The learned counsel for the petitioner contends that the petitioner is not named in the FIR. The impugned order dated 18.12.2004, whereby the petitioner was declared a proclaimed offender was passed without effecting service upon the petitioner. She states that a compromise has been reached between the parties.

Heard.

The petitioner has been successfully evading his arrest for more than a decade. The case was registered on 11.09.2003, when the petitioner was in India. He alleged that he went to Spain in the year 2006 on Work Visa and stayed there upto 14.10.2015. The petitioner claims that he is Ranvir Singh S/o Niranjana Singh while the person declared proclaimed offender is Ranjit Singh S/o Niranjana Singh. The petitioner could not prove that it is a case of mistaken identity. He failed to show that any other person by the name of Ranjit Singh S/o Niranjana Singh is available in his village. The passport upon which the petitioner relies was issued on 27.05.2015, while the FIR had already been registered on 11.09.2003. So, the petitioner cannot get benefit of his own act of making passport in the name of Ranvir Singh S/o Niranjana Singh. It is only clerical error. There are serious allegations against the petitioner and an offence under Section 326 IPC is non-compoundable. Even if a compromise has been effected between the parties, the petitioner ought to have surrendered to the jurisdiction of the trial Court. Keeping in view the conduct and antecedents of the petitioner the prayer made in the petition deserves to be rejected. In these circumstances, this Court feels that compromise itself is not a circumstance in favour of the petitioner to invoke the inherent jurisdiction of this Court by way of filing the instant petition. Thus, no case for quashing of order dated 18.12.2004 is made out at this stage.

However, keeping in view the fact that the compromise has been reached between the parties, thus, it is ordered that in case the

petitioner surrenders before the trial Court, his bail application shall be considered and decided expeditiously.

Disposed of.

19.10.2016

ashok

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned: Yes / No

Whether reportable: Yes / No