

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-37496-2016 (O&M).
Decided on: October 22, 2016.

Ashwani Kumar

.. Petitioner(s)

VERSUS

State of Punjab and others

.. Respondent(s)

* * *

CORAM: HON'BLE MR.JUSTICE M.M.S.BEDI

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PRESENT Mr.Prashant Vashisth, Advocate,
for the petitioner.

M.M.S. BEDI, J. (ORAL)

Petitioner seeks quashing of FIR in a case of theft and recovery of articles.

Counsel for the petitioner submits that co-accused of the petitioner have been acquitted by judgment dated 4.3.2008. The petitioner himself is in Germany. He has been declared a proclaimed offender. The quashing of FIR has been sought for on the ground that co-accused have been acquitted.

I have heard the counsel for the petitioner and I am of the opinion that the petitioner being a proclaimed offender and being not in India cannot be shown any indulgence under Section 482 Cr.P.C. No doubt the petitioner can return to India and seek trial simultaneously seeking protection of his liberty by moving application under Section 438 Cr.P.C. The indulgence can even be shown in case the petitioner bona fide informs this Court the intended date of his return to India.

In view of above observations, this petition is disposed of as not maintainable without prejudice to the right of the petitioner to seek remedy under Section 438 Cr.P.C. by approaching the Court of competent jurisdiction or to seek quashing on the basis of compromise if it has been entered into with the complainant.

(M.M.S. BEDI)
JUDGE

October 22, 2016.

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Whether speaking / reasoned
Whether reportable:

Yes / No
Yes / No