

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-5286 of 2016

Date of decision: May 25, 2016

Narinder Kumar

...Petitioner

Versus

State of Punjab & another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Sandeep Arora, Advocate for the petitioner.
Mr. Shilesh Gupta, Addl. Advocate General, Punjab.

Rajan Gupta, J.

This is a petition under Section 482 Cr.P.C. for quashing of FIR No.2 dated 8.1.2000, registered against the petitioner under sections 406 and 420 IPC at Police Station Adampur, District Jalandhar as well as for quashing the order dated 1.5.2004, on the basis of compromise

Learned counsel for the petitioner has submitted that petitioner had gone abroad, thus, he was never served. Subsequently he was declared a proclaimed offender by the court. He submits that police after completion of investigation presented challan against brother of the petitioner namely, Surinder Kumar. However, during trial, prosecution witnesses did not support the case and Surinder Kumar was acquitted by the court. He has also relied upon affidavit of the complainant Rattan Chand (Annexure P-4).

Prayer has been opposed by the State counsel. According to him, there are serious allegations of fraud and cheating against the petitioner. After completion of investigation, challan was presented

against both the accused on 17.10.2000, but during trial petitioner absconded from proceedings and accordingly, he was declared a proclaimed offender. Thus, no case for quashing of FIR is made out. He has referred to reply by way of affidavit of Tejbir Singh, Dy. Superintendent of Police, Sub Division Adampur, Jalandhar Rural.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

It appears, FIR was registered on the statement of Rattan Chand, alleging therein that petitioner alongwith his brother Surinder Kumar committed a fraud with him by receiving Rs.3,50,000/- on the pretext of sending his son Vijay Kumar abroad, but they neither sent his son abroad nor returned money. After completion of investigation, challan was submitted against both the accused. However, during trial, petitioner absconded from proceedings and he was declared a proclaimed offender by the trial court vide order dated 01.05.2004. Thereafter, he never submitted to the process of law. It is inexplicable how he can invoke the inherent jurisdiction of this court for quashing of FIR on the ground that petitioner has entered into compromise with the complainant. As petitioner remained an absconder, acquittal of co-accused can be of no avail in view of judgment in *CRM-M-13084 of 2014* titled *Munfed & another vs. State of Haryana*, decided on 09.07.2014. Prayer for quashing of FIR is misconceived. The petition is without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

May 25, 2016
'Rajpal'