

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

**Criminal Misc. No. M-5763 of 2016 (O&M)
Date of decision: 29.04.2016**

Kiran Sharma

..Petitioner

Versus

State of Punjab and another

..Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see judgment? Yes/No**
- 2. To be referred to reporters or not? Yes/No**
- 3. Whether the judgment should be reported in the Digest? Yes/No**

Present: Mr. S.S. Gill, Advocate
for the petitioner.

Daya Chaudhary, J. (Oral)

This petition has been filed under Section 482 Cr.P.C. for quashing of criminal complaint No. RT 31-1 of 11.04.2011/11.06.2001, under Sections 498-A, 406 and 506 of Indian Penal Code titled as 'Monika vs. Kiran Sharma', pending in the Court of Chief Judicial Magistrate, Moga and also summoning order dated 16.01.2004 passed by Chief Judicial Magistrate, Moga.

Learned counsel for the petitioner submits that the petitioner was declared proclaimed offender but he was arrested and was released on regular bail. Now the petitioner is facing trial. Learned counsel further submits that the co-accused of the petitioner, who are his father and mother, have already been acquitted of the

charge by the trial Court vide its judgment dated 06.08.2011 but as the petitioner was proclaimed offender, therefore, he could not face trial. Subsequently, the judgment of acquittal was challenged by way of filing appeal, which was also dismissed on 22.10.2012. Learned counsel also submits that the same allegations and evidence are there against the present petitioner also and no purpose would be served in case, the trial is continued as the co-accused of the petitioner have been acquitted of the charge.

Keeping in view the submissions made by learned counsel for the petitioner and by considering the fact that co-accused of the petitioner have been acquitted of the charge by the trial Court; the judgment of acquittal has also been upheld by the Appellate Court; earlier the petitioner was declared proclaimed offender but subsequently, he was arrested and has been released on regular bail, the present petition is disposed of with a direction to the trial Court to make all efforts to expedite the trial and to conclude the same within a period of three months.

29.04.2016
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(DAYA CHAUDHARY)
JUDGE