

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

CRM M-9251 of 2014

Date of decision : 14.01.2016

Manjinder Singh

....Petitioner

V/s

State of Punjab

....Respondent

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. NPS Mann, Advocate for the petitioner.

Mr. Aditya Sanghi, Addl. A.G. Punjab.

RAJAN GUPTA J.

Petitioner has filed this petition under section 482 Cr.P.C. seeking quashing of FIR No. 66 dated 16.06.2009 registered under sections 452, 380, 447, 511 & 34 IPC at police station Sudar, district Ludhiana alternatively for quashing of order dated 29.09.2010, Annexure P-2 passed by Judicial Magistrate Ist Class, Ludhiana whereby he has been declared a proclaimed offender.

Learned counsel for the petitioner submits that co-accused have been acquitted. According to him, petitioner was not in India at the time of registration of FIR. He has sought quashing on the ground that co-accused have been acquitted. Thus, no useful purpose would be served by subjecting him to trial. He has relied upon division Bench judgment of this court in *Sudo Mandal @ Diwarak Mandal vs. State of Punjab 2011(2) RCR (Crl) 453* in this regard.

Prayer has been opposed by learned State counsel counsel. According to him, petitioner is a proclaimed offender.

I have heard learned counsel for the parties.

Complaint was lodged by Jasmail Singh alleging that he was a resident of England and had a house at village Boparai Kalan.

On his returning to India, he noticed that lock of his house was broken and petitioner alongwith other accused had placed their weightlifting goods in his house and also put their own lock. Several other household articles were also stolen. On this statement, FIR was registered by the police. After completion of investigation, challan against the accused was presented in the trial court. Finding prima facie case under sections 380, 447, 34 IPC charge was framed against the accused, to which they pleaded not guilty and claimed trial. To substantiate its case against the accused, the prosecution examined as many as four witnesses. Statement of the accused under Section 313 Cr.P.C. was recorded wherein all the incriminating evidence available on record was put to them. They refuted the incriminating circumstances and pleaded false implication. However, trial court came to the conclusion that prosecution had failed to prove its case beyond doubt. It, thus, acquitted the accused who faced trial. Petitioner, however, absconded. He was declared proclaimed offender by the court on 29.09.2010.

In view of nature of allegations and the fact that petitioner is a proclaimed offender, I am not inclined to quash the impugned FIR. The factum of acquittal of co-accused is not relevant in light of judgment of this court in *CRM M-13084 of 2014* titled as *Munfed & anr. vs. State of Haryana* wherein judgment in *Sudo Mandal's* case (supra) has been distinguished.

Under the circumstances, present petition is without any merit and is hereby dismissed.

January 14, 2016

Ajay

(RAJAN GUPTA)
JUDGE