

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

**CRM No.M-20412 of 2015(O&M)
Date of Decision: September 21, 2017**

Rupinderjeet Singh Sahi through his Power of Attorney Harjeet Singh Sahi

...Petitioner

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Tarunveer Vashist, Advocate
for the petitioner.

Mr.Ajay Pal Singh Gill, DAG, Punjab
for the respondent-State.

Mr.Mohit Jaggi, Advocate
for respondent No.2.

INDERJIT SINGH, J.

Petitioner Rupinderjeet Singh Sahi through his Power of Attorney Harjeet Singh Sahi has filed this petition under Section 482 Cr.P.C. against respondents State of Punjab and Mahakpreet Kaur for quashing the FIR No.29 dated 28.03.2013 under Section 406 IPC registered at Police Station Women Cell, Ludhiana, District Ludhiana and also to quash the order dated 26.02.2014 passed by learned Judicial Magistrate Ist Class, Ludhiana, vide which the petitioner was declared as Proclaimed Offender and all subsequent proceedings.

Notice of motion was issued. Learned State counsel as well as

learned counsel for respondent No.2 appeared and contested the petition.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

From the record, I find that the petitioner has been declared Proclaimed Offender by the Court below. He is still residing abroad and present petition has been filed through Power of Attorney for quashing the FIR and order declaring him Proclaimed Offender etc.

Learned counsel for respondent No.2 cited judgment passed by this Court in ***Amit Ahuja Vs. Gian Parkash Bhambri, 2010(3) RCR (Criminal) 586***, in which, this Court by relying upon the judgments passed by the Hon'ble Apex Court, has held as under:-

*“7. After giving my thoughtful consideration, to the rival contentions, raised by the Counsel for the parties, in my considered opinion, the petition, is liable to be dismissed, being not maintainable, for the reasons, to be recorded, hereinafter. Admittedly, the aforesaid complaint, was filed, against the petitioner and his co-petitioners, in the Courts, at India. There is, no dispute, about the factum, that Amit Ahuja, petitioner, is residing, in Dubai. In **Janata Dal Vs. H.S. Chaudhary and others, JT 1991 (3), SC, 497**, it was held, as under:-*

“Even if there are million questions of law to be deeply gone into and examined in a criminal case registered against specific accused persons, it is for them and they alone to raise all such questions and challenge the proceedings initiated against them at the appropriate time before the proper forum and not for third parties under the garb of public interest litigants. It was further held that the petitioner in that case (H.S. Chaudhary) had no locus standi to invoke the extraordinary jurisdiction of the High Court, under Section 482 Cr.P.C., for quashing the FIR and all other proceedings arising therefrom on the plea of preventing the abuse of process of the Court. In the above mentioned case the accused persons were alive and were capable of defending themselves and protecting their interests and it was also not shown that the petitioner Mr. H.S. Chaudhary had any particular or special interest in the accused persons.”

8. In *Simranjit Singh Mann Vs. Union of India and another, AIR, 1993, SC, 280*, the Apex Court, held, as under :-

“Ordinarily the aggrieved party which is affected by any order has the right to seek redress by questioning the legal validity

or correctness of the order, unless such party is a minor, an insane person or is suffering from any other disability which in law recognized as sufficient to permit any other person e.g. next friend, to move the Court on his behalf. It was also held that if a guardian or a next friend initiates proceedings for and, on behalf of such a disabled aggrieved party, it is, in effect, proceedings initiated by the party aggrieved and not by a total stranger, who has no direct personal stake, in the outcome thereof. In the above mentioned case, a leader of a political party approached the Supreme Court under Article 32 of the Constitution of India, challenging the conviction and sentence of the assassins of Gen. Vaidya. The two convicts were alive but did not file any appeal against the conviction and sentence. The Apex Court, held that the petitioner, in that case, had no locus standi to invoke the jurisdiction under Article 32 of the Constitution.

XXXXX

11. For the reasons recorded above, Criminal Misc. No.M-1787 of 2009 being not maintainable, through Attorney stands dismissed. Any observation, made in this order shall not be taken as an expression of mind, on merits of the case.”

In view of the above cited judgment, present petition through Power of Attorney is not maintainable and the same is dismissed being not maintainable.

September 21, 2017

Vgulati

Whether speaking/reasoned

Whether reportable

(INDERJIT SINGH)

JUDGE

Yes

No