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

**CRM-M-22577-2016
Date of Decision :05.09.2017**

Sher Singh Nagra

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Amit Jhanji, Advocate
for the petitioner.

Mr. Rana Harjasdeep Singh, AAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

Prayer in the instant petition under Section 482 Cr.P.C. has been made for quashing FIR No. 48 dated 19.04.1990 under Sections 323, 325, 148, 149, 336 and 427 IPC registered at Police Station Sadar Khanna, District Ludhiana (Annexure P-2) and order dated 16.07.1998 (Annexure P-5) declaring the petitioner as proclaimed offender.

Briefly stated, the petitioner along with six other co-accused in the aforesaid FIR were booked and tried. However, during trial petitioner-Sher Singh Nagra absconded abroad and thus, he was declared a proclaimed offender. Rest of his other six co-accused were held guilty and convicted under Sections 147, 148, 325, 325/149, 323, 323/149 and 336/149 IPC vide judgment of conviction and order of sentence dated 21.02.2003 by the Judicial Magistrate 1st Class, Khanna in their favour.

Being aggrieved, the said six co-accused preferred an appeal before the First Appellate Court, Ludhiana and got judgment of acquittal dated 04.02.2008 in their favour.

Learned counsel for the petitioner contends that since all the co-accused of the petitioner have been acquitted, therefore, it would be a futile exercise to put the petitioner on trial as the evidence which has been led by the prosecution is the same qua the petitioner also.

On the other hand, learned State counsel has vehemently opposed the submissions of learned counsel for the petitioner.

The provision of Section 482 of the Code of Criminal Procedure recognizes the powers of a Court to do the real and substantial justice, preventing the abuse of the process of the Court. The inherent jurisdiction of the criminal Court indicates that there is a power for the criminal Courts to make such an order as may be necessary to meet the ends of justice. Though the powers under Section 482 Cr.P.C. have to be exercised sparingly and in exceptional cases, where abuse of the process of the Court would result in serious miscarriage of justice. But at any rate the settled position is that this Court has the jurisdiction to quash the entire criminal proceedings to prevent the abuse of the process of the Court in order to secure the ends of justice.

Admittedly, six co-accused of the petitioner have already been acquitted and no other evidence would be led by the prosecution against the petitioner if he is put to trial and thus, it would be a futile exercise and sheer wastage of time of the Court by putting the petitioner on trial.

Considering the over all facts and circumstances of the case, this court finds that it is a fit case where inherent powers of the High Court under Section 482 Cr.P.C. should be exercised so as to prevent the petitioner from putting unnecessary trial to secure the ends of justice to him.

Reliance can be had to the decision of a Division Bench of this

Court in *Sudo Mandal @ Diwarak Mandal versus State of Punjab 2011(2)*
RCR (Criminal) 453.

Thus, in view of the above, FIR No. 48 dated 19.04.1990 under Sections 323, 325, 148, 149, 336 and 427 IPC registered at Police Station Sadar Khanna, District Ludhiana (Annexure P-2) along with entire subsequent proceedings undertaken in pursuance thereof and order dated 16.07.1998 declaring the petitioner as proclaimed offender (Annexure P-5) stand quashed.

Petition stands disposed of accordingly.

(RAMENDRA JAIN)
JUDGE

September 05, 2017

Sunil Devi

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No