

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

Crl. Misc. M-7015 of 2017 (O&M)
Date of Decision: November 30, 2017

Ashok Kumar

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Sandeep Bansal, Advocate
for the petitioner.

Mr. A.S. Dhaliwal, DAG Punjab.

JAISHREE THAKUR, J. (Oral)

This is a petition that has been filed under Section 482 Cr.P.C. read with Article 227 of Constitution of India praying for quashing of FIR No.163 dated 30.08.2000, under Sections 406, 498-A of Indian Penal Code, registered at Police Station Ropar, on the basis of compromise as well as for quashing of impugned order dated 05.01.2001, whereby the petitioner was declared as a proclaimed offender.

Learned counsel appearing on behalf of the petitioner argued that the petitioner had been declared as a proclaimed offender by an order dated 05.01.2001 in the aforesaid FIR, when the petitioner was not in India, at the time of lodging of the FIR. It was argued that the petitioner had not visited India till May 2016 and the entire process declaring him as a proclaimed offender had been initiated behind his back. It was also argued

that the dispute between the complainant and father of the petitioner had been settled by a compromise dated 16.03.2005 and the father of the petitioner had faced criminal proceedings, in which he stood acquitted.

Notice of motion had been issued for 08.05.2017, on which date counsel for the respondent-State submitted that the petitioner had not supplied the particulars of his passport and therefore, the State was not able to verify the correctness or otherwise of the facts as noticed in the order issuing notice of motion.

By an order dated 08.05.2017, the petitioner had been directed to supply the particulars to the State within a period of fifteen days. The matter stood adjourned and more time had been given by this court to the petitioner to comply with the previous order.

Today, this court is informed by counsel for the petitioner that despite several attempts having been made to contact the petitioner, he is unable to do so.

A reply has been filed by way of affidavit of Sh. Manvir Singh Bajwa, PPS, Deputy Superintendent of Police (Headquarters) Rupnagar, District Rupnagar, on behalf of the respondent-State in the court today today, in which it is submitted that the mother of the petitioner had died during the course of trial and father of the petitioner has been acquitted. However, the petitioner has remained absconding willfully from the process of the court for more than 16 years. It has been submitted in the affidavit that the petitioner was declared as a proclaimed offender prior to the amendment of Section 82(4) Cr.P.C.

In view of the facts that there has been non-compliance of order

dated 08.05.2017 and that the counsel for the petitioner is unable to contact him, this court is of the view that this petition deserves to be dismissed for non-prosecution.

Ordered accordingly.

November 30, 2017

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**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No