

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

CRM No.M-8527 of 2017 (O&M)

Date of Decision: March 15, 2017

Gurdian Singh @ Toni

...Petitioner

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.A.S.Kalra, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. for quashing of the FIR No.128 dated 15.10.1999 under Sections 307, 324 and 34 IPC registered at Police Station Dasuya, District Hoshiarpur and all subsequent proceedings arising therefrom including the P.O. order dated 03.04.2002 on the basis of the compromise effected between the parties.

I have heard learned counsel for the petitioner and have gone through the record.

As per petitioner's case himself, he has been declared Proclaimed Offender vide order dated 03.04.2002 (Annexure P-2) and the compromise took place as stated by the petitioner on 06.09.2016 (Annexure P-3). The FIR is dated 15.10.1999 bearing No.128 under Sections 307, 324 and 34 IPC.

At the time of arguments, learned counsel for the petitioner

admitted that one of the co-accused namely Jaggi has already died and other co-accused Laddi has already been convicted by the trial Court.

The FIR is of the year 1999. The present petitioner was declared Proclaimed Offender in the year 2002 and he has come to this Court after 14 years to set aside the order declaring him Proclaimed Offender on the basis of the compromise. On the basis of the compromise, the order declaring the petitioner as Proclaimed Offender, cannot be set aside.

Furthermore, as per the FIR, the present petitioner Gurdian Singh @ Tony was stated to be armed with *kirpan* and the allegation is that Tony along with co-accused started giving blows with their *kirpans* to the complainant with the intention to kill him and the blows given by them hit the complainant on his back side of head, on the back, left side of forehead, left shoulder, on the chest, abdomen and on right thigh.

Keeping in view the nature and gravity of the offence and in view of the fact that the present petitioner was declared Proclaimed Offender in the year 2002 and also by seeing the stage of the case that co-accused has already been convicted so many years ago, I do not find it a fit case, where the FIR and the order declaring Proclaimed Offender are liable to be quashed on the basis of the compromise.

Therefore, finding no merit in the present petition, the same is dismissed.

March 15, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No