

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

254/2

CRM-M-13969-2018

Date of decision : 05.09.2018

JASBIR SINGH

... PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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

Mr. Rajat Bansal, AAG, Punjab.

Ms. Nitika Verma, Advocate for

Mr. Sourabh Arora, Advocate for respondent No.2.

RAJBIR SEHRAWAT, J. (ORAL)

This petition under Section 482 of the Code of Criminal Procedure has been filed for quashing of the order dated 12.08.1991 passed by learned Judicial Magistrate Ist Class, Nakodar (Annexure P-3) vide which the petitioner was declared a proclaimed offender in case FIR No.224 dated 19.06.1987 registered under Sections 353, 34 of the IPC at Police Station Shahkot District Jalandhar, on the basis of compromise (Annexure P-5) arrived at between the parties.

In **Criminal Misc. No. CRM.M.15239 of 2018 titled as Jasbir**

Singh vs. State of Punjab and anr. arising out of the aforesaid FIR, the

parties were directed to appear before the learned trial Court/Illaq

Magistrate, for getting their statements recorded; as to the genuineness of the compromise. In compliance thereof, report of Judicial Magistrate Ist Class, Nakodar, dated 20.08.2018, has been received in the said case, wherein, it has been noticed that the parties have settled the dispute amicably without any undue influence, coercion or pressure and none of the accused have been declared as proclaimed offender except the present petitioner.

This Court in **CRM-M-19636 of 2018 - Vikas Gupta VS State of Haryana and others decided on 01.08.2018** quashed the main FIR on basis of compromise and since during the pendency of the main FIR, provisions of Section 174-A of the IPC were attracted, therefore, FIR under Section 174-A IPC was also quashed.

In the present case, as is borne out from the record, the main FIR under Sections 353 and 34 of the IPC was registered on 17.06.1987 and the present petitioner was declared as proclaimed offender vide order dated 12.08.1991. However, the petitioner was never aware of the proceedings going on before the Court because after having compromised the matter with the complainant he had gone to England, being a citizen of United Kingdom. The parties still stand by the agreement arrived at between them and the main FIR No.224 dated 19.06.1987 in question has been quashed on the basis of compromise, in **Criminal Misc. No.**

CRM.M.15239 of 2018 titled as Jasbir Singh vs. State of Punjab and

anr., vide order of even date.

In view of these facts and circumstances, this Court is of the opinion that since the main FIR has already been compromised between the parties and they are not going to proceed further, therefore, it would not be justified to make the petitioner to face proceedings under Section 82 of the Cr.P.C.

Accordingly, the present petition is allowed. The order dated 12.08.1991 passed by learned Judicial Magistrate Ist Class, Nakodar (Annexure P-3) declaring the petitioner a proclaimed offender in case FIR No.224 dated 19.06.1987 registered under Sections 353 and 34 of the IPC at Police Station Shahkot District Jalandhar, is quashed.

(RAJBIR SEHRAWAT)
JUDGE

05.09.2018

SV

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No

The main FIR No.224 dated 19.06.1987 registered under Section 353 and 34 of the IPC has been quashed on the basis of compromise, vide order of even date in **Criminal Misc. No. CRM. M. 15239 of 2018 titled as Jasbir Singh vs. State of Punjab and anr.**

In the present case, as is borne out from the record, the FIR under Sections 353 and 34 of the IPC was registered on 17.06.1987 and the present petitioner was declared as proclaimed offender vide order dated 12.08.1991. However, the petitioner was never aware of the proceedings going on before the Court because after having compromised the matter with the complainant he had gone to England, being a citizen of United Kingdom. However, the parties still stand by the agreement arrived at between them and the FIR in question has been quashed on the basis of compromise in **Criminal Misc. No. CRM.M.15239 of 2018 titled as Jasbir Singh vs. State of Punjab and anr.** vide order of even date.