

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

CRM-M-29806-2018

Date of decision:-19.7.2018

Iqbal Singh and another

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM : HON'BLE MR. JUSTICE H.S. MADAAN

Present : Mr.Kanwaljit Singh, Sr.Advocate with
Mr.Gagandeep Singh Virk, Advocate
for the petitioner.

H.S. MADAAN, J.(ORAL)

This petition under Section 482 Cr.P.C. seeking quashing of FIR No.28 dated 25.6.2017, under Sections 498-A IPC has been filed by petitioners - Iqbal Singh Dhillon and Amandeep Kaur Dhillon, residents of Canada, who have been declared proclaimed offenders by the Court vide order dated 21.4.2018. The petitioners have sought quashing of that order also.

I have heard learned Senior counsel for the petitioners besides going through the record.

It is submitted that the petitioners were at Canada at the time of registration of the FIR and without any notice, they have been

declared as proclaimed offenders.

Be it be so, but the petitioners sitting in Canada are seeking quashing of the order declaring them proclaimed offenders without appearing in the Court and explaining all the circumstances there convincing the Court concerned that the order passed by it is not legal. A perusal of the impugned order does not reveal any illegality or infirmity therein on the face of it.

In *Mehnga Singh Versus State of Punjab, 2002(2) R.C.R.(Criminal) 501*, it has been observed that when an accused has been declared as proclaimed offender, a petition against the order under Section 482 Cr.P.C. is not maintainable and that the accused should first move the Court which declared him proclaimed offender and even an objection against validity of proclamation is required to be raised in the first instance before the Court which issued the proclamation and that power under Section 482 Cr.P.C. is not to be exercised in favour of a person, who is absconding or avoiding service.

Therefore, the petition stands dismissed accordingly.

(H.S.MADAAN)
JUDGE

19.7.2018
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Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No