

CRM-M-48423-2017(O&M)

Date of decision: 23.01.2018.

Jaswinder Singh and others

...Petitioners

Versus

Jagjit Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWANPresent: Mr. Tarun Singla, Advocate
for the petitioners.Mr. Rahul Rathore, DAG, Punjab
for respondent No.2-State.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for quashing of complaint No.65 dated 23.07.2012 as well as the summoning order dated 04.09.2017 (Annexure P-7) passed by the learned Judicial Magistrate 1st Class, Ludhiana, vide which, petitioner No.3 was declared proclaimed offender.

Notice of motion was issued on 22.12.2017.

Learned counsel for the petitioners submits that the matter has been compromised between the parties and has placed on record photocopy of the statement made by the complainant-Jagjit Singh as well as petitioner No.1-Jaswinder Singh and petitioner No.2- Kashmir Kaur and the order dated 04.01.2018, passed by the trial Court allowing the complainant to withdraw the petition. The certified copy of the order is taken on record as Mark-A. In view of the same, main prayer in the petition is rendered as infructuous.

Learned counsel for the petitioners submits that petitioner No.3 was residing in Australia. He further submits that the summoning order in this case was passed on 18.07.2016 (Annexure P-5) whereas, petitioner

No.3 has travelled abroad in the year 2013 and has placed on record copy of the passport (Annexure P-6). It is further submitted that since then, the petitioner No.3 has not returned back to India. He further submits that while undertaking the proceedings under Section 82/83 of the Cr.P.C., the trial Court has not followed the proper procedure under Section 105 Cr.P.C. with regard to service of the summoning of petitioner No.3, who is residing abroad and he was not aware of the passing the summoning order as the same was passed subsequent to his leaving country. Counsel for the petitioners further submitted that since the complainant has withdrawn the complaint itself, the continuance of the proceedings against the complaint will be of no avail. It is also submitted that proper procedure under Section 82/83 Cr.P.C. was not followed while issuing proclamation declaring petitioner No.3 as proclaimed offender.

I have heard learned counsel for the parties, since the matter stands compromised between the parties and the complainant has withdrawn the complaint on 04.01.2018 as per the order passed by the trial Court, the impugned order dated 04.09.2017 (Annexure P-7) declaring petitioner No.3 as a proclaimed offender is set aside.

With the aforesaid observation, this petition qua the main relief is rendered as infructuous.

(ARVIND SINGH SANGWAN)
JUDGE

23.01.2018
Hemlata

Whether speaking/reasoned
Whether reportable

Yes / No
Yes / No