

260 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-8416-2017
Date of decision: 20.07.2018

Balbir Singh

.... Petitioner

VS.

State of Punjab & anr.

.... Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. K.S.Dhillon, Advocate
for the petitioner.

Mr. Rajat Bansal, AAG, Punjab.

Complainant in person.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed under Section 482 Cr.PC for quashing the case FIR No.120 dated 06.08.2013 registered under Sections 420, 465, 467, 468, 471, 120-B IPC at Police Station Maqsudan, District Jalandhar City and all subsequent proceedings arising therefrom.

The complainant is present in Court. She has denied the fructification of any agreement. She has submitted that although the parties at one stage attempted to compromise the matter, however, she has not been paid as per compromise. Therefore, she does not stand with the compromise.

Learned counsel for the State has submitted that there were total five accused in this case. Out of those 5 accused, 3 had fled away from the country and gone to Canada before challan was filed in the case. Therefore, these three persons were declared as Proclaimed Offender vide order dated 04.04.2015. Challan was filed against remaining two accused on 30.09.2015. However, out of these two accused, one has also stopped attending the Court and non-bailable warrants were issued against him on 29.01.2018. Charge has not been framed in the case.

The situation described above reflects the pathetic attitude of the prosecution as well as of the police. Admittedly, the challan was filed against two accused in the year 2015. Still, as stated by the State counsel, even the charges have not been framed against those two accused against whom challan was filed.

In view of the above, it is directed that SSP, Jalandhar shall ensure that the accused against whom challan was filed and against whom non-bailable warrants have been issued by the Court, are arrested so as to be produced before the Court on the next date of hearing.

In view of the above, no ground for interference is made out.

However, it is made clear that all the legal pleas available to the petitioner can be raised before the trial Court.

Accordingly, the present petition is dismissed.

20.07.2018
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(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/non-speaking?
Whether reportable?

Yes/No
Yes/No