

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

CRM-M-9798-2018

Date of decision:-6.4.2018

Puneet Soni @ Pepu

...Petitioner

Versus

State of Punjab and another

...Respondents

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

Present : Mr.Surinder Sharma, Advocate
for the petitioner.

H.S. MADAAN, J.

By way of filing the present petition under Section 482 Cr.P.C., petitioner - Puneet Soni @ Pepu prays for quashing of FIR No.90 dated 12.7.2017, under Sections 365, 368, 323, 506, 148, 149 IPC and Section 25 of Arms Act, registered at Police Station Division No.6, Jalandhar as well as order dated 10.1.2018 passed by Judicial Magistrate Ist Class, Jalandhar declaring the petitioner as a proclaimed offender.

I have gone through the FIR. In the FIR there are allegations of complainant having been kidnapped by four persons and being taken to an unknown place, where he was beaten up and 8-10 persons were called to that place. According to the complainant, he knew one person Jaggi Ropar. He gave name of one of his kidnappers as

Panchamnur Singh and regarding others he stated that he could identify them when they came in front of him. In the later part of his statement, he has given names of some of the culprits as Panchamnur Singh, Preet Phagwara, Jaggi Ropar and name of a girl as Mankisha Sharma stating that other 8-10 persons were not known to him.

Merely because of the reason that the petitioner is not named in the FIR does not mean that he gets a clean chit. The FIR is not a substantive piece of evidence and its only purpose is to set the criminal machinery into motion. FIR is often lodged in hurry and it may not contain the minute and precise details of the incident. The FIR can be got registered by a person, who may not be an eye-witness of the same. It is only during investigation of the case that police can come to know about the culprit and criminal, who had committed the crime. It has to be taken into account that in the statement made by the complainant to the police, he has mentioned that 8-10 unknown persons besides a few persons named by him were his tormentors. Therefore, the petitioner cannot take advantage of the fact of being not named in the FIR. From the contents of the FIR commission of cognizable offences are disclosed. There is nothing to show that FIR is a result of misuse of process of law, therefore, there is no ground to quash the same just at the asking of the accused.

As regards, the second part of the prayer for quashing of order dated 10.1.2018 vide which the petitioner was declared a proclaimed offender, I do not see any illegality or infirmity in the said order. Even otherwise, the petitioner is an absconder and this petition at his instance is not maintainable. In view of the observations made by

Co-ordinate Bench of this Court in **Mehnga Singh Versus State of Punjab, 2002(2) R.C.R.(Criminal) 501**, the very maintainability of such petition under Section 482 Cr.P.C. at the instance of an absconder is doubtful.

The petition being without merit stands dismissed accordingly.

(H.S.MADAAN)
JUDGE

6.4.2018
Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No