

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

**CRM-M-8221-2019 (O&M)
Date of decision: 06.03.2019**

Kalvinder Kaur Kallah

... Petitioner

Vs.

State of Punjab and anr.

... Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Arjun Sheoran, Advocate
for the petitioner.

Mr. Sidakmeet S. Sandhu, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for quashing of FIR No.316 dated 19.11.2016 under Sections 420/506 IPC and Sections 66-E & 67 of I.T. Act, registered at Police Station Jodhewal, District Ludhiana and all the consequential proceedings arising therefrom.

On 26.02.2019, learned State counsel was directed to verify if any proceedings declaring the petitioner as proclaimed offender are pending.

Learned State counsel, on instructions from ASI Harpreet Singh, has submitted that though the petitioner has not been declared a proclaimed offender, however, the police has raided at the two given addresses of the petitioner in the complaint, but she could not be found there, therefore, no further investigation could be carried out.

On a Court query, whether the petitioner is ready to surrender before the trial Court and apply for bail, learned counsel for the petitioner has

submitted that the petitioner is not interested to travel back to India and apply for bail.

Since the petitioner has neither surrendered before the police/Court nor has applied for anticipatory bail, in view of judgment of the Hon'ble Supreme Court in **State of Telangana Vs. Habib Abdullah Jeelani and others, (2017) 2 Supreme Court Cases 779**, wherein it has been held that petition under Section 482 Cr.P.C. praying for quashing of the FIR is not maintainable, if the petitioner is avoiding the process of Court and is not appearing before the Court, the present petition is dismissed.

[ARVIND SINGH SANGWAN]
JUDGE

06.03.2019
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No