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

CRM-M-123-2020

Date of Decision: 25.11.2020.

BHUPINDERJEET @ BHOLA

.....Petitioner

VS

STATE OF PUNJAB AND ANR

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr.Kamaldip Singh Sidhu, Advocate
for the petitioner.

Mr. H.S. Multani, AAG, Punjab

Mr. Amardeep Singh, Advocate
for complainant.

SUVIR SEHGAL, J. (Oral)

The Court has been convened through Video conferencing due to
Covid-19 pandemic.

CRM-28725 of 2020

Allowed as prayed for. Order dated 04.02.2020 is taken on record
as Annexure A.1.

Main case

The instant petition has been filed for quashing of cross case
DDR dated 24.10.2007 (Annexure P-2) under Sections 323, 324, 148, 149
of IPC in FIR No.302 under Sections 323, 324, 325, 148, 149 of IPC
registered at Police Station Phillaur, District Jalandhar, on the basis of
compromise, dated 16.12.2019 arrived at between the parties alongwith all
subsequent proceedings arising therefrom and order dated 21.01.2010
(Annexure P.4) vide which the petitioner was declared a proclaimed

offender, as the other co-accused of the petitioner have been acquitted by the SDJM, Phillaur, vide judgment dated 06.02.2013 (Annexure P.3).

Vide order dated 05.02.2020 the parties were directed to appear before the Illaqa Magistrate/trial Court to get their statements recorded regarding the compromise and a report was called for from the Court.

After recording the statements of the accused-petitioners and complainant-private respondents, the Sub-Divisional Judicial Magistrate, Sunam has reported on 02.03.2020 that the compromise in question is genuine, voluntary and without any coercion or undue influence. The court has further reported that two accused namely Sonu S/o Nand Lal and Bhupinderjeet @ Bhola s/o Gian Chand, both residents of Mohalla Tibbewal, PS Phillaur have been declared as proclaimed offender vide order dated 21.01.2010.

Hon'ble Supreme Court in ***Gian Singh Versus State of Punjab and another, 2012(4) RCR (Criminal) 543*** has held that the High Court has wide power under Section 482 of the Code of Criminal Procedure to quash an FIR or complaint having predominantly civil flavour or involving matrimonial offences and family disputes wherein the wrong is basically private or personal in nature and the parties have resolved their entire dispute. The Hon'ble Full Bench of this Court in case ***Kulwinder Singh vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052*** and Hon'ble Division Bench of this Court in case ***Sube Singh and another vs. State of Haryana and another, 2013(4) RCR (Criminal) 102*** held that compounding of offence can be allowed even after conviction, during pendency of the appeal and even in cases involving noncompoundable offences.

Still further, the objective of Section 82 of Code of Criminal Procedure is to secure the presence of the accused. As held by this Court in *Smt. Deeksha Puri Vs. State of Haryana 2013(1) RCR (Criminal) 159*, once the purpose is achieved, the order of declaration of proclaimed offender would cease to be operative. In the present case, the petitioner has appeared before the trial Court and has been granted regular bail by order dated 04.02.2020 (Annexure A.1). He has joined the proceedings before the trial Court. With the grant of bail, the absence of the petitioner stands regularised and the default stands condoned. Consequently, the order Annexure P.4 declaring the petitioner a proclaimed offender deserves to be set aside.

Counsel for the parties are also ad idem that in view of the settlement of the dispute between the parties, the present petition deserves to be accepted and impugned DDR and order declaring the petitioner as proclaimed offender deserves to be quashed. In view of the above, no purpose will be served in continuing with the criminal proceedings.

Accordingly, the petition is allowed. DDR dated 24.10.2007 (Annexure P-2) under Sections 323, 324, 148, 149 of IPC in FIR No.302 under Sections 323, 324, 325, 148, 149 of IPC registered at Police Station Phillaur, District Jalandhar, order dated 21.01.2010 (Annexure P.4) and all the consequent proceedings arising therefrom, as well as order are quashed qua the petitioners.

25.11.2020
pry

[Suvir Sehgal]
Judge

Whether Speaking/Reasoned
Whether Reportable

Yes/No
Yes/No