

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)**

Decided on : 06.09.2021

CRM-M-6007-2019 (O&M)

Dilbag Rai & ors.

..... Petitioners

Versus

State of Punjab & anr.

..... Respondents

CRM-M-5547-2019

Ranjit Heer & anr.

..... Petitioners

Versus

State of Punjab & anr.

..... Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Ms. Sarika Gupta, Advocate
for the petitioners.

Mr. Luvinder Sofat, AAG, Punjab.

Mr. Ranjit Nijjar, Advocate
for the complainant.

Manjari Nehru Kaul, J.(Oral)

This order shall dispose off two criminal petitions bearing CRM-M-6007 and 5547 of 2019 as both of them have arisen out of the same FIR.

Instant petition has been filed under Section 482 Cr.PC for quashing of FIR No.30 dated 12.05.2017 registered under Sections 406 and 498-A IPC at Police Station Sadar Banga District SBS Nagar along with all consequential proceedings arising therefrom on the basis of compromise dated 17.02.2018.

At the time of issuance of notice of motion on 26.02.2019, this Court had directed the learned counsel for the petitioner to ensure the personal appearance of parties before this Court on the next date of hearing. Later on, this Court vide order dated 09.08.2021 directed the parties to appear before the Illaqa Magistrate concerned on 23.08.2021 to get their statements recorded with regard to the factum of compromise effected between them. In pursuance to the said order, petitioner No.1- Dilbagh Rai and petitioner No.2 – Balbir Kaur, parents-in-law of the complainant, put in appearance before the trial Court on 26.08.2021 for getting their statements recorded.

As per report dated 26.08.2021 received from JMIC, SBS Nagar, only parents-in-law of the complainant i.e. petitioners No.1 and 2 got recorded their joint statement whereas petitioners No.3 and 4 namely Ranjeet Heer and Gurcharanjit Heer, who are husband and brother-in-law respectively of the complainant, since declared proclaimed offenders had failed to appear personally before the Court concerned. Their statements however were got recorded through their power of attorney i.e. Dilbagh Rai, their father. Not only this, as per the report received, even the complainant did not appear before the Court concerned to give her statement with regard to the compromise stated to have been effected between the parties.

In the circumstances, the order dated 12.02.2018 passed by the Court of CJM, SBS Nagar, during the trial of aforementioned FIR No.30 dated 12.05.2017 whereby the accused Ranjeet Heer and Gurcharanjit Heer were declared proclaimed offenders and coupled with the fact that they failed to put in appearance in person before the Court of Judicial Magistrate,

Ist Class to get their statements recorded in compliance of order dated 09.08.2021, this Court is not inclined to quash the said FIR as it is an admitted case of the counsel for the petitioners that petitioners No.3 and 4 (since declared proclaimed offenders) have been living abroad for the last many years and are not even presently in India.

Accordingly, the present petition(s) stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

06.09.2021
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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No