

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

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**CRM-M-13780-2021
Decided on : 26.03.2021**

Navjot Singh Boparai

... Petitioner(s)

Versus

State of Punjab and others

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Dinesh Singh Rawat, Advocate
for the petitioner(s).

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 482 Cr.P.C., for quashing of FIR No. 110, dated 17.09.2019, registered under Section 174-A of IPC, at Police Station Moonak, District Sangrur (Annexure P-9) and Criminal Complaint No.NACT/50/2015 (Annexure P-7) under the Negotiable Instruments Act, 1881, along with consequential proceedings arising therefrom.

Learned counsel for the petitioner *inter alia* contends that the impugned FIR No. 110, dated 17.09.2019 (Annexure P-9) deserves to be quashed, as the Court below failed to take into account that the order dated 12th September, 2019 (Annexure P-8), declaring the petitioner a proclaimed offender was passed without there being any compliance of Section 82 Cr.P.C. In support of his submissions, learned counsel has invited the attention of this Court to the translated copy of the proclamation notice compliance report dated 12th August, 2019 (Annexure P-11). He contends that a perusal of the aforementioned compliance report clearly reveals that there was no proper compliance of the provisions of Section 82(2) Cr.P.C.,

inasmuch as, firstly was not read at a conspicuous place of the petitioner's village, nor copy of the said proclamation affixed at the gate of the petitioner's house and still further, the affixation, was done at Dharmshala, which was not even in the close vicinity of the petitioner's house.

I have heard learned counsel for the petitioner and perused the impugned order as well as other material on record.

At the outset, it would be worthwhile to notice that the petitioner was declared a proclaimed offender way-back on 12th September, 2019 and continues to be an absconder, inasmuch as, he has till date not put in an appearance and surrendered before the Court. Rather, he has chosen to approach this Court under Section 482 Cr.P.C. Not only this, it comes across from a perusal of the averments made in the petition as well as in the submissions made by the learned counsel for the petitioner that he is not impugning the order declaring him proclaimed offender rather, he is impugning the FIR, which was registered as a consequence to the order declaring him a proclaimed offender. It needs to be emphasized that till the order declaring the petitioner a proclaimed offender is in existence, the FIR under Section 174-A IPC will continue to stand. Still further, the instant petition is not maintainable as the petitioner cannot challenge and seek to quash the FIR registered under Section 174-A IPC, as the inherent powers of this Court under Section 482 Cr.P.C. cannot be exercised in favour of the petitioner, who admittedly as on date is an absconder and has been avoiding service for two years now. The petitioner would be well advised to first surrender before the trial Court and then challenge the legality and validity of the manner of the prosecution, if he is so aggrieved and only thereafter if so advised, he should approach this Court under Section 482 Cr.P.C.

Hence, in the above given facts and circumstances, this Court is not inclined to quash the FIR as well as criminal complaint in question by invoking its inherent power under Section 482 Cr.P.C.

Petition stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

March 26, 2021

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*