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

CRM-M-27888-2021

Date of Decision: 20.07.2021

Gurkirat Singh

.. Petitioner

Vs.

State of Punjab and another

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Arpan Sabharwal, Advocate for the petitioner.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 482 Cr.P.C. for quashing of cross version of the FIR No.56 dated 13.05.2013, under Sections 323/325/506/148/427/448 IPC, registered at Police Station Kartarpur, District Jalandhar City (Annexure P-1) as well as the order dated 01.04.2017 (Annexure P-5), whereby he was declared as proclaimed offender.

Learned counsel for the petitioner has argued that the complainant has already entered into a compromise with his co-accused, in cross version of FIR No.56 dated 13.05.2013, under Sections 323/325/506/148/427/448 (Annexure P-1) and they have been acquitted vide order dated 25.03.2019 (Annexure P-4). He has further argued that as the petitioner was abroad, who has returned back to India on 23.06.2021, therefore, qua him also the cross version alongwith the order dated 01.04.2017 (Annexure P-5) may kindly be quashed.

During the course of hearing, it is not disputed by learned counsel that the above FIR, wherein the cross version was recorded, was registered in the year 2013 and the petitioner, who was released on regular bail, absented from the trial proceedings in the year 2016.

After hearing the learned counsel, this Court is of the opinion that admittedly, the petitioner was on regular bail, who disengaged himself with the trial proceedings and left India without seeking any permission from the trial Court. In that eventuality, there was no option for the trial Court, but to proceed against the said accused to secure his presence and finally, he was declared proclaimed offender through the impugned order dated 01.04.2017 (Annexure P-5). The sole reliance has been placed upon the order dated 25.03.2019 (Annexure P-4), whereby the co-accused of the petitioner was acquitted of the charges on the basis of the compromise.

A perusal of the said order makes it clear that the trial Court had accepted the application moved by the co-accused under Section 320 Cr.P.C., as the offences are compoundable. It needs to be noted here that the copy of compromise relied upon by the petitioner is not helpful to his case, as his name is not contained in the said compromise and apart from it, the said compromise was accepted by trial Court after recording its satisfaction that the victims/complainant have voluntarily entered into the compromise and allowed the compounding of offence. In the present case admittedly, the petitioner is seeking intervention of the Court only on the basis of the said compromise and the decision dated 25.03.2019 (Annexure P-4) passed by the JMIC, Jalandhar.

Resultantly, this Court does not find it to be a fit case for exercise of inherent powers under Section 482 Cr.P.C.

Dismissed.

20.07.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes No
Yes No