

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

CRM-M No.29247 of 2021 (O&M)

Date of Decision:28.09.2021

Gagan Deep Uppal alias Gagan Deep Singh and another ...Petitioners

Versus

State of Punjab and another ...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Amit Dhawan, Advocate
for the petitioners.

Ms. Rashmi Attri, AAG, Punjab.

Mr. Prabhjot Singh, Advocate
for the complainant.

JAISHREE THAKUR, J. (ORAL)

This is a petition that has been filed seeking quashing of orders dated 04.03.2003 and 26.03.2004 passed by JMIC, Nakodar whereby petitioners have been declared as proclaimed offenders in FIR No.419 dated 31.10.2002 under Sections 494, 511, 420 IPC at Police Station Nakodar, Tehsil Nakodar, District Jalandhar.

In brief, the facts are that the instant FIR was registered by complainant-respondent No.2 on the basis of a statement dated 31.10.2002 that she was residing in England and had solemnized marriage with petitioner No.1 in England. The FIR under Sections 494, 511, 420 IPC came to be registered on the apprehension that a second marriage was being solemnized by petitioner No.1 and the same was contested by Jagdish Kaur, mother of the petitioners herein and as the petitioners were not served, they

were declared as proclaimed offenders by orders dated 04.03.2003 and 26.03.2004 by the JMIC, Nakodar. The matter was eventually settled between the complainant and petitioner No.1 before the Lok Adalat, Nakodar where the complainant gave a statement that she had settled all disputes in Scotland itself and therefore, prayed for dismissal of the suit that she had filed seeking maintenance as well as for creation of charge on the property of the petitioners herein.

Before the Lok Adalat, she made a statement that she would withdraw all cases and make a statement in the FIR registered. The SDJM, Nakodar acquitted the mother-in-law, who had been nominated as an accused in the FIR as there was no evidence on record. However, the proceedings are still pending against the petitioners herein as they were declared as proclaimed offenders.

Learned counsel appearing on behalf of the petitioners herein contends that the petitioners were never served in the said proceedings as they were residing in England. However, they are keen to come back to India and face trial. It is stated that respondent No.2, author of the FIR, has executed a compromise deed and an affidavit whereby she has specifically stated that she has no objection if present FIR and all subsequent proceedings therein are quashed by the High Court. It is, therefore, prayed that the orders declaring the petitioners as proclaimed offenders be quashed.

At this stage, appearance has been caused on behalf of the complainant, who admits to the factum of the compromise and the fact that all matters are settled between parties, while stating that she would have no objection in case the present FIR is quashed.

I have heard learned counsel for the parties and have perused the paper book. Admittedly, the petitioners herein have been nominated in the said FIR. The petitioner No.1 is former husband of the complainant whereas Sandeep Kumari, petitioner No.2 is the sister-in-law i.e. sister of petitioner No.1. Both the petitioners are currently residing in England and are ready to come back to India to face trial. Consequently, this petition is being disposed of by staying arrest of the petitioners herein limited for a period of four weeks to enable them to come back to India and to move an appropriate application before the trial Court praying for setting aside of the orders dated 04.03.2003 and 26.03.2004 whereby they have been declared as proclaimed offenders. On their appearance, they will be admitted to interim bail by the trial court.

September 28, 2021
Pankaj*

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No