

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-31713 of 2021 (O&M)

Date of Decision: August 10, 2021

Lakhwinder Singh

...Petitioner

Versus

State of Punjab & others

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Dr. Rau P.S.Girwar, Advocate,
for the petitioner.

MANOJ BAJAJ, J.

This petition has been filed by the petitioner under Section 482 Cr.P.C. seeking quashing of FIR No.03 dated 29.01.2007, under Sections 364, 511, 342, 323, 427, 148 and 149 IPC, registered at Police Station, Kotbhai, Sri Muktsar Sahib (Annexure P-1) on the basis of compromise (Annexure P-9) and all subsequent proceedings arising therefrom, including the order dated 17.11.2012 (Annexure P-5), whereby he was declared a proclaimed offender.

The above FIR was registered on the statement of complainant Harjit Singh, who has stated that he alongwith his friend Ranjodh Singh was going towards Muktsar in a car and when their car reached near the house of Jagsir Singh, accused Lakhwinder Singh struck his car against their vehicle. Ranjodh Singh was dragged out of car and beaten up by the accused. They were saying that Ranjodh Singh be not spared for insulting Lakhwinder Singh from Mohali police. The accused gave injuries to Ranjodh Singh by

dasti sotiyan, torn his clothes and removed his turban. According to him, Baldev Singh gave a danda blow on the forehead of the complainant, whereas Surjan Singh gave a sotta blow on his left arm. Jaspal Singh gave a sotta blow on his left leg below the knee and Harvinder Singh gave a danda blow on the palm of his right hand. Upon hearing the alarm raised by them, accused ran away from the spot. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner has argued that the challan under Section 173 Cr.P.C. was filed on 26.07.2007, and after framing of charges on 30.03.2010, the trial commenced, but the petitioner, who participated in the trial proceedings till 2012, absented himself, as he went abroad and was declared proclaimed offender on 17.11.2012. It is pointed out that the co-accused of the petitioner were acquitted vide judgment dated 25.08.2014 (Annexure P-6), as the prosecution failed to prove its case against them. He further submits that now a compromise has been arrived at between the petitioner and the complainant and, thus, prays for quashing of the above FIR.

After hearing the learned counsel for the petitioner, this court finds that the petitioner had the knowledge of the trial proceedings, who admittedly appeared before the trial court till 2012 and thereafter left India without the permission of the Court. Merely because, his co-accused stand acquitted and the matter has been compromised between the petitioner and the complainant, so these cannot be sufficient grounds to set aside the order dated 17.11.2012 declaring him proclaimed offender. Apart from it, in the previous petition bearing No.CRM-M-4386-2021, the petitioner had sought intervention of this Court on the ground that the witnesses are not likely to

depose against him during trial. However, the said argument was not accepted and the petition was dismissed vide order dated 17.03.2021 (Annexure P-7). Now, the petitioner has set up a compromise (Annexure P-9) to again approach this Court for quashing of the FIR, however, the conduct of the petitioner, who willfully and deliberately disengaged himself from the trial proceedings and was declared proclaimed offender vide order dated 17.11.2012 (Annexure P-5), cannot be ignored.

Resultantly, no case is made out for exercise of inherent powers under Section 482 Cr.P.C.

Dismissed.

August 10, 2021
jasmine

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No