

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

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CRM-M-47838-2021

Decided on : 22.11.2021

Balvir Singh

... Petitioner

Versus

Satnam Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. J. S. Ghumman, Advocate
for the petitioner.

Mr. Armaan Gagneja, Advocate
for the respondent.

VIKAS BAHL, J. (Oral)

The present petition has been filed under Section 482 Cr.P.C. for quashing/setting aside the impugned order dated 22.04.2016 (Annexure P-2) whereby the petitioner was declared as proclaimed offender in complaint case registered as SC 35 of 2016 dated 30.01.2016 (filed on 07.06.2010) under Sections 307, 326, 324 and 34 IPC at Police Station Nurmahal (Annexure P-1).

Learned counsel for the petitioner has submitted that in the present case, the matter has been compromised and has referred to the compromise dated 24.03.2021 (Annexure P-5) as per which, it has been agreed that the petitioner and the respondent would get the present complaint case quashed/cancelled/withdrawn. It has also been mentioned in the compromise that against the order declaring the petitioner as proclaimed offender, a petition would be filed in this Court and the second party i.e. complainant undertook to give statement in favour of the

petitioner, since the matter has been compromised. It is also stated in the said compromise that the same has been entered into with their own will and consent and without any coercion, pressure and fear from any quarter. It is further submitted that even the order declaring the petitioner as proclaimed offender is illegal inasmuch as the same was passed on 22.04.2016 when the petitioner was abroad and thus, was passed at his back. Learned counsel for the petitioner has further submitted that the petitioner would appear before the trial Court within a period of 30 days and would keep appearing till the time his personal appearance is exempted or the proceedings are quashed/set aside or the petitioner is acquitted/discharged.

Notice of motion.

Mr. Armaan Gagneja, Advocate has put in an appearance on behalf of the respondent and filed his power of attorney. He has reiterated the fact that the matter has been compromised and has also submitted that he has no objection in case the present petition is allowed and the order dated 22.04.2016 is set aside.

Keeping in view the facts and circumstances, moreso the fact that in the present proceedings arising from a complaint case, the matter has been compromised and the said compromise is genuine and bona fide and has been entered into without any pressure, coercion or undue influence and the same would bring peace and amity between the parties and also the fact that the petitioner was declared as proclaimed offender on 22.04.2016 on which date, he was abroad, the present

petition is allowed and the order dated 22.04.2016 (Annexure P-2) is set aside subject to the condition that the petitioner would appear before the trial Court within a period of 30 days from today and would keep appearing till the time his personal appearance is exempted or the proceedings are quashed/set aside or the petitioner is acquitted/discharged.

(VIKAS BAHL)
JUDGE

22nd November, 2021
Mehak

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No