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

CRM-M-9004-2022
Date of decision : 04.03.2022

Vijay Verma

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Gaurav Singla, Advocate for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

Mr. Vikram Satpal, Advocate for respondent No.2.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 of Cr.P.C. for quashing of order dated 10.05.2018 (Annexure P-3) passed by the Judicial Magistrate Ist Class, Ludhiana, whereby the petitioner has been declared as Proclaimed Person in FIR No.180 dated 30.09.2016 registered under Sections 420/120-B of the Indian Penal Code, 1860 (hereinafter to be referred as “the IPC”) at Police Station Model Town, Ludhiana, District Police Commissionerate, Ludhiana and all the subsequent proceedings arising therefrom in view of the compromise effected between the parties.

Learned counsel for the petitioner has submitted that in the present case, FIR was got registered by respondent No.2 against the present petitioner and two other accused. In the said case, compromise dated 21.01.2017 (Annexure P-2) was effected between respondent No.2 and two other

co-accused persons. On 10.05.2018 (Annexure P-3), the petitioner was declared as Proclaimed Person and thereafter, one of the co-accused had died and the other was acquitted vide judgment dated 23.01.2020 (Annexure P-4), as the offence was compounded under Section 320 of the IPC. It is further submitted by learned counsel for the petitioner that since, earlier, compromise had been effected, thus, the petitioner was under the impression that he was not required to appear in the matter and the matter would be finished qua all the accused. It is argued that when the petitioner learnt that the said matter against the present petitioner had not been finished and was still pending, then the petitioner entered into compromise dated 22.02.2022 (Annexure P-5) with respondent No.2, in which, it was mentioned that respondent No.2 would have no objection in case the order declaring present petitioner as Proclaimed Person is set aside.

Notice of motion.

On advance notice, Mr. Sarabjit S. Cheema, AAG, Punjab, appears and accepts notice on behalf of the State and has submitted that he is fully prepared to argue the matter and assist this Court. He has submitted that the petitioner has rightly been declared as Proclaimed Person.

Mr. Vikram Satpal, Advocate appears on behalf of respondent No.2 and has stated that he is fully prepared in the matter and has also stated that the compromise dated 22.02.2022 (Annexure P-5) is genuine and bona fide and respondent No.2 has no objection in case order declaring present petitioner as Proclaimed Person is set aside.

This Court has heard the learned counsel for the parties and perused the paper book.

It is not in dispute that initially there were three accused as per the

FIR and the compromise dated 21.01.2017 (Annexure P-2) was entered into, on the basis of which, vide judgment dated 23.01.2020 (Annexure P-4), the other co-accused were acquitted, since the offences had been compounded. As per the case of the petitioner, the petitioner was under the impression that he was not required to appear after the matter had been compromised on 21.01.2017 and thus, due to his non-appearance, was declared as Proclaimed Person vide order dated 10.05.2018. It is further the case of the petitioner that after having learnt the fact that the case is pending against the petitioner, the petitioner has entered into the compromise with Sanjay Chopra-respondent No.2 on 22.02.2022 (Annexure P-5), as per which, respondent No.2 has stated that he has no objection in case the order declaring the present petitioner as Proclaimed Person is set aside. It is further apparent that in the present case, the offence alleged to have been committed is under Sections 420/120-B of the IPC and thus, the same cannot be stated to be an offence against the society.

Keeping in view the abovesaid facts and circumstances, the present petition is allowed and order dated 10.05.2018 (Annexure P-3) passed by the Judicial Magistrate Ist Class, Ludhiana is set aside, subject to the condition that the petitioner would appear before the trial Court within a period of two weeks from today and in case, the petitioner appears before the trial Court within a period of two weeks from today, then the petitioner would be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court.

04.03.2022*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:- Yes/No****Whether reportable:- Yes/No**