

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(239-3)

CRM-M-23642-2021 (O&M)

Date of Decision:- 08.03.2022

Vinod Kumar @ Vinnie Beniwal

...Petitioner

VERSUS

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Sushil Kumar Verma, Advocate for the petitioners.

Ms. Deepshikha Chauhan, AAG, Haryana
for respondent No.1-State.

Mr. Munish Raj Chauhdary, Advocate for the respondent No.2.

SUVIR SEHGAL, J. (Oral)

Heard through video conferencing.

CRM-8233-2022

For the reasons given in the application, it is allowed.

Judgment and decree dated 08.11.2021 passed under Section 13-B of the Hindu Marriage Act, 1955 by Principal Judge, Family Court, Sirsa is taken on record as Annexure P-14.

CRM-M-23642-2021

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of impugned order dated 20.07.2010, Annexure P-2, passed by the learned Chief Judicial Magistrate,

Sirsa by which the petitioner has been declared as proclaimed offender in FIR No.237 dated 11.04.2009, registered for offences under Sections 498-A, 406, 506, 323 and 34 of the Indian Penal Code, 1860, at Police Station City Sirsa, District Sirsa, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise deed dated 20.04.2021, Annexure P-8, as well as affidavits dated 20.04.2021, Annexures P-9 and P-10, respectively arrived at between the parties.

Counsel for the petitioner submits that although the petitioner has been declared as proclaimed offender without complying the provisions of Section 82, Cr.P.C, but the dispute between the parties has been settled, the FIR has been quashed and the petitioner has deposited the costs.

Upon instructions received from ASI, Jagmeet Singh, State counsel submits that the petitioner, who is the husband of the complainant, was declared a proclaimed offender, after investigation, final report has been presented against the in-laws of the complainant, who have been tried and acquitted vide judgment dated 08.05.2015. An appeal against the said judgment has been dismissed.

Counsel representing the complainant-respondent No.2 does not have any objection in case the impugned order dated 20.07.2010, Annexure P-2, is quashed in view of the settlement.

Heard counsel for the parties.

The sole objective of Section 82 of the Code is to secure the presence of the absconding accused before the Court. FIR has emanated from a matrimonial dispute, which has been amicably settled, the accused-petitioner and the complainant have appeared and their statements have

been recorded before the Trial Court. On the basis of the report received from the Trial Court, FIR, Annexure P-1, has been quashed qua the petitioner by an order passed on even date in the connected petition. Keeping in view the above facts and circumstances, the impugned order deserved to be set aside.

Petition is allowed. Impugned order dated 20.07.2010, Annexure P-2, whereby the petitioner has been declared to be a proclaimed offender, along with all subsequent proceedings arising therefrom, if any, are quashed.

(SUVIR SEHGAL)
JUDGE

08.03.2022
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No