

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-25115-2022
Date of decision : 02.06.2022

Jasbir Kaur

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Varun Goyal, Advocate
for the petitioner.

Mr.Sukhbeer Singh, AAG, Punjab.

Mr.Karan Singla, Advocate
for respondent no.2.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 482 Cr.P.C. for setting aside order of the Judicial Magistrate Ist Class, Jalandhar dated 10.12.2013 whereby the petitioner has been declared proclaimed offender in criminal complaint no.104/1/2010 dated 12.03.2010 under Sections 420, 406, 120-B IPC.

Learned counsel for the petitioner has submitted that in the present case, respondent no.2 had filed a criminal complaint under Section 420, 406, 120-B IPC in which the petitioner along with other co-accused were summoned. It is further submitted that the petitioner was declared proclaimed offender in violation of provision of Section 82 Cr.P.C. vide order dated 10.12.2013 (Annexure P-1). It is also submitted that the matter

P-10) and as per said compromise, it has been stated by the complainant that he has no objection in case the order declaring the petitioner as proclaimed offender is set aside and the petitioner is acquitted / discharged in the case.

Notice of motion.

Mr.Sukhbeer Singh, AAG, Punjab, appears and accepts notice on behalf of respondents no.1. He has opposed the present petition and has submitted that the petitioner has been rightly declared as proclaimed offender.

Learned counsel for respondent no.2-complainant has submitted that the matter has been compromised and has stated that he has no objection in case the present petition is allowed.

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

Respondent no.2 had filed a criminal complaint under Sections 420, 406, 120B IPC against the present petitioner and other accused and in the said case, the petitioner was summoned. It is the case of the petitioner that the petitioner was declared as proclaimed offender vide order dated 10.12.2013 in violation of provision of Section 82 Cr.P.C. Moreover, as per the petitioner as well as respondent no.2, the matter has been compromised and the compromise deed dated 22.04.2022 has been placed on record as Annexure P-10 and as per which respondent no.2 has no objection in case the impugned order is set aside and the petitioner is discharged / acquitted.

Since the present case is a complaint case, thus, the stand of respondent no.2 is very relevant for adjudication of the case.

Keeping in view the facts and circumstances, the present petition is allowed and the impugned order dated 10.12.2013 (Annexure P-

1) is set aside. It has already been submitted by the petitioner and respondent no.2 that the application for withdrawal of the complaint has also been filed before the trial Court and once the impugned order is set aside, respondent no.2 will be able to pursue the said application.

(VIKAS BAHL)
JUDGE

June 02, 2022
Davinder Kumar

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