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

CRM-M-38038-2022 (O&M)

Date of Decision: 18.10.2022

Amarjit

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Vishal Thakur, Advocate,
for the petitioner.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 482 of the Code of Criminal Procedure for setting aside the order dated 30.09.2019 (Annexure P-6) by which the petitioner was declared proclaimed offender.

Learned counsel for the petitioner has submitted that the petitioner was not served and consequently, he could not appear before the learned trial Court. He further submitted that even otherwise also the matter has since been settled between the parties, and therefore, the order declaring him proclaimed offender may be quashed.

I have heard the learned counsel for the petitioner.

The petitioner was declared as proclaimed offender way-back on 30.09.2019 which is more than 3 years and for 3 years he had been absconding. Although the matter pertains to dispute pertaining of dishonour of cheque and the complaint was under Section 138 of the Negotiable

Instruments Act but as per the learned counsel for the petitioner the said complaint is still pending and has not been withdrawn by the complainant. The learned counsel at the time of arguments had referred to some entries pertaining to repaying the money to the complainant through bank, which are all questions of fact and this Court in exercise of jurisdiction under Section 482 of the Code of Criminal Procedure would not go into such questions of fact as to whether the amount has been paid back to the complainant or not. Apart from the above, the petitioner has been declared as a proclaimed offender while following the procedure laid down under Section 82 of the Code of Criminal Procedure. The learned counsel has not been able to make out any ground for the purpose of challenging the aforesaid impugned order. In the absence of justifiable ground for setting aside the order declaring him as proclaimed offender especially in view of the fact that the present petition has been filed for quashing of an order which is 3 years old, the prayer of the petitioner cannot be accepted.

Consequently, the present petition is devoid of merit and the same is hereby dismissed.

18.10.2022*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |