

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(225)

CRM No. M-35801 of 2019
Date of Decision : 04.03.2022

Lovely Kumar

...Petitioner

Versus

State of Punjab and another

...Respondents

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Munish Gulati, Advocate for
Mr. Naveen Sharma, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

Harsimran Singh Sethi J. (Oral)

The present petition has been filed seeking quashing of FIR No. 250 dated 19.07.2018, registered under Section 420 IPC, Section 24 of Immigration Act, 1983, Section 13 of Punjab Prevention of Human Smuggling Act, 2012 at Police Station Division No. 5, District Ludhiana and all other subsequent proceedings arising therefrom, on the basis of compromise entered into between the parties.

Learned State counsel, on instructions from ASI Harbans Singh, submits that the petitioner is already a proclaimed offender and further, the present petition seeking quashing of FIR on the basis of compromise is filed by one of the accused whereas, there are two accused in

the FIR, hence the quashing is not permissible.

Learned counsel appearing on behalf of the petitioner has not been able to controvert the fact that not only the petitioner is a proclaimed offender, even the compromise entered into between the parties, which has been made the basis of the present petition seeking quashing of the FIR, is not between all the parties concerned. As per settled principle of law as settled by the Hon'ble Supreme Court of India in Criminal Appeal No. 1209 of 2021 titled as ***Prem Shankar Prasad Vs. State of Bihar and another***, a proclaimed offender, who is evading law, cannot be entertained for discretionary relief.

In the present case, the petitioner is concededly a proclaimed offender and is evading law hence, the grant of discretionary relief, as being prayed in the present petition, cannot be extended to him, keeping in view his conduct. Even otherwise, the compromise being relied upon for quashing of FIR, is not with all the parties concerned. Hence, the prayer of the petitioner as raised in the present petition cannot be accepted.

Dismissed.

March 04, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No