

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(249)

CRM-M-43503-2020

Date of Decision:- 31.03.2022

Lovejit Singh @ Lovejeet Singh
VERSUS

...Petitioner

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Prateek Pandit, Advocate for the petitioners.

Mr. P.S.Walia, AAG, Punjab for State-respondent.

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (for short “the Code”) seeking quashing of order dated 19.12.2016, Annexure P-2, whereby the petitioner has been declared as a proclaimed person in FIR No.47 dated 14.05.2016, Annexure P-1, lodged under Sections 406, 498-A and 323 of the Indian Penal Code, 1860, at Police Station Women Cell, District Jalandhar.

Counsel for the petitioner submits that the marriage of the petitioner was solemnized with Sukhpreet Kaur, complainant, on 28.01.2015. He submits that the petitioner was settled in Italy and had come to India solely for the purpose of marriage and went back shortly thereafter. He submits that the FIR is the result of a marital dispute, which was lodged in 2016, and without adhering to the procedure prescribed under Section 82 of the Code and without serving the petitioner through the Ministry of External Affairs, he was declared as a proclaimed person vide order impugned herein. Counsel submits that in deference to the order passed by this Court, the petitioner has appeared before the Trial Court, joined the proceedings and has been released on interim bail vide order dated 24.12.2021 passed by the Trial Court, which has been placed on the record.

Counsel for the petitioner submits that the matrimonial dispute between the parties has been settled, a compromise has been arrived at, marriage between them has been dissolved and a separate petition seeking quashing of the FIR has been instituted, which is fixed for 20.04.2022.

Upon instructions received from ASI, Rajesh Kumar, State counsel has opposed the petition and submits that the petitioner has been declared as an absconder after following the procedure prescribed by law. Upon further instructions, he submits that the challan has been presented on 06.02.2017 against co-accused, who are family members of the petitioner and charge has been framed against them.

Having heard counsel for the parties, this Court is of the view that the objective of Section 82 of the Code is to secure presence of the accused. Once the accused-petitioner has appeared and joined the proceedings, the purpose is achieved. In these circumstances, the accused can no longer be described as a proclaimed person or an absconder. Moreover, dispute had arisen due to a marital discord, which has been settled and proceedings to quash the FIR are pending.

Consequently, the petition is allowed.

Impugned order dated 19.12.2016 is set aside subject to deposit of ₹25,000/- as cost with the Punjab and Haryana High Court Bar Association (Benevolent Fund), Chandigarh. The cost be deposited with the fund on or before 20.04.2022 and its receipt be produced during the course of hearing of the quashing petition.

31.03.2022

Kamal

(SUVIR SEHGAL)
JUDGE

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