

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

123

CRM-M-45021 of 2022

Date of Decision: 28.09.2022

Rakesh Kumar

..... Petitioner

Versus

State of Punjab and another

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

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

Mr. Amit Rana, Senior DAG, Punjab

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No. 0106 dated 25.05.2017, under Sections 406, 420, 120-B IPC, registered at Police Station Gobindgarh Mandi, District Fatehgarh Sahib, based upon compromise (Annexure P-2).

At the outset, Mr. Amit Rana, learned Senior DAG, Punjab has stated that he has received an advance copy of the petition and sought instructions from HC Harpreet Singh who is present in Court, that the petitioner has already been declared as a proclaimed offender on 16.07.2022.

The present petition has been filed for quashing of FIR on the basis of compromise, although the allegations are pertaining to financial transactions but the petitioner is one of the co-accused and all the accused are not a party in the present case. The petitioner is already a proclaimed offender

and instead of cooperating with the police, he has filed the present petition for quashing of FIR based on compromise. A perusal of the petition, paragraph 16 would show that it has been specifically stated by the petitioner that he is not declared as proclaimed offender in the present case or in any other case. The present petition is also supported by an affidavit of the petitioner which is at page No. 14 of the paperbook. The affidavit has been duly sworn before the Notary Public. Para No.16 of the petition is reproduced as under:-

“That the petitioner is not declared as proclaimed offender in the present FIR or in any case.”

After hearing the learned counsel for the parties, this Court is of the view that the present petition cannot succeed because of two reasons, firstly, the petitioner is already a proclaimed offender and secondly, the petitioner has not come to this Court with clean hands. He specifically stated in paragraph 16 of the petition that he is not declared a proclaimed offender in the present FIR or in any case. The averments made in the petition has been supported by the duly sworn affidavit by the petitioner. Ordinarily this Court ought to have initiated proceedings for perjury against the petitioner for filing a false affidavit before this Court but taking a lenient view, the present petition is dismissed being devoid of any merit.

September 28, 2022
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(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No