

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

242-3

CRM-M-53448 of 2021
Date of decision:16.03.2022

Hardeep Singh

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Narinder Singh Dadwal, Advocate
for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

Mr. Jagjit Singh, Advocate
for the complainant-respondent No.2.

SUVIR SEHGAL, J. (Oral)

Heard through video conferencing.

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (for short “the Code”) seeking quashing of order dated 26.02.2020 (Annexure P-1) passed by the Judicial Magistrate Ist Class, Jagraon, whereby, the petitioner has been declared as Proclaimed Offender in case FIR No.0024 dated 01.02.2019 registered under Sections 420, 498-A, 406 of Indian Penal Code, 1860 at Police Station Sidhwan Bet, District Ludhiana (Rural) (Annexure P-2).

Counsel for the petitioner submits that FIR is a fallout of the matrimonial dispute between the petitioner and respondent No.2. He

submits that immediately after marriage, the petitioner had left for Australia on 08.12.2017 and complainant-respondent No.2 went to her parental home few days thereafter and did not return. However, she submitted a complaint to the police authorities and FIR (Annexure P-2) was lodged. He submits that the dispute has been settled by virtue of compromise and in connected petition bearing CRM-M-9642 of 2021, FIR (Annexure P-2) has been quashed on the basis of compromise dated 15.02.2021. Still further, he submits that the petitioner was abroad throughout and no attempt was made to serve him by adopting the procedure prescribed under Section 82 of the Code nor was any attempt made to send summon to him through Ministry of External Affairs. Still further, it is his submission that pursuant to order dated 22.12.2021, the petitioner has deposited costs of Rs.20,000/- with the Punjab and Haryana High Court Bar Association as is reflected from the receipt (Annexure P-9).

State counsel upon instructions from ASI Surinder Singh, has supported the impugned order and has submitted that the petitioner was declared as Proclaimed Offender after following the procedure prescribed by law. Still further, he submits that on completion of investigation, challan has been presented against Jaswinder Singh and Kashmir Kaur, in-laws of the complainant under Sections 498-A, 406 IPC, however, offence under Section 420 IPC was deleted.

Counsel for the complainant-respondent No.2 has, however, supported the arguments of counsel for the petitioner and he does not have any objection in case the the impugned order is quashed.

Having heard counsel for the parties, this Court is of the view that the sole objective of Section 82 of the Code is to secure the presence of the accused before the Court. Record shows that accused has appeared before the Trial Court and his statement has been recorded, in support of the compromise. He has also deposited the costs in deference to the order passed by this Court.

Keeping in view the above circumstances, this Court is of the view that the order declaring the petitioner as Proclaimed Offender cannot sustain.

Petition is allowed and impugned order dated 26.02.2020 (Annexure P-1) is set aside.

March 16, 2022
savita

(SUVIR SEHGAL)
JUDGE

<i>Whether Speaking/Reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>