

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(244)

CRM-M-47272-2019
Date of decision:- 31.03.2022

Jonny

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- None for the petitioner.

Mr. P.S.Walia, AAG, Punjab for State-respondent No.1.

None for complainant-respondent No.2.

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of FIR No.58 dated 12.04.2017, registered for offences under Sections 376 and 511 of the Indian Penal Code, 1860, at Police Station Ajnala, District Amritsar Rural, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise dated 19.09.2019, Annexure P-2, arrived at between the parties.

Vide order dated 05.11.2019, this Court directed the parties to appear before the Area Magistrate/Trial Court for the purpose of recording of their statements in support of the compromise. However, the accused-petitioner, who is a proclaimed offender, did not appear before the Trial Court as is evident from the report of the Trial Court, relevant extract of which is as under:-

“It is humbly submitted that as per the statement of ASI, Dilbagh Singh, there is only one accused, namely, Jonny son of Pamma Masih and he has been declared as PO vide order dated 12.07.2018 in FIR No.58 dated 12.04.2017 under Sections 376, 511 of IPC, Police Station Ajnala. It is further submitted that on 25.03.2019, challan was presented in the aforesaid FIR No.58 dated 12.04.2017, under Section 376, 511 of IPC and also under Section 4 of POCSO Act, which was added vide rapat No.35 dated 19.03.2019 against the accused, Jonny (who was already declared proclaimed offender vide order dated 12.07.2018) and now the case is pending for recording evidence under Section 299 of Cr.P.C. It is submitted that as the accused Jonny did not turn up to get record his statement in the Court of the undersigned in compliance of the order dated 05.11.2019 passed by the Hon'ble High Court, therefore, it cannot be said that any compromise was effected between the complainant, Gurjit Kaur, and the accused, Jonny, on the basis of sole statement of the complainant, Gurjit Kaur.”

In view of the above, petition is dismissed.

(SUVIR SEHGAL)
JUDGE

31.03.2022
Kamal

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