

(253)

CRM-M-47858-2019
Date of decision:- 20.05.2022

...Petitioners

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Lakhwinder Singh Mann, Advocate, for the petitioners.

Mr. Prabhjot Singh Walia, AAG, Punjab for respondent No.1.

None for respondent No.2.

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 FIR No.167 dated 23.10.2019, registered for offences under Sections 376, 384, 420 and 452 of the Indian Penal Code, 1860, at Police Station City Nakodar Sadar, District Jalandhar, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise, Annexure P-2, arrived at between the parties.

Upon instructions received from ASI, Jorawar Singh, State counsel submits that petitioner No.1 has been acquitted vide judgment dated 06.08.2021. Still further, he submits that in so far as petitioner No.2 is concerned, he was declared as a proclaimed offender and has joined the investigation in March, 2022 and trial is pending against him.

Heard counsel for the parties.

Discretionary power under Section 482 of the Code cannot be exercised in favour of an accused, who has been an absconder and has evaded the process of law. Moreover, Supreme Court in ***The State of Madhya Pradesh Versus Laxmi Narayan and others 2019 (5) SCC 688***, has held that heinous and serious offences involving allegations of murder, dacoity, rape etc. cannot be quashed on the basis of compromise.

In view of the above, instant petition cannot be entertained and is accordingly dismissed.

20.05.2022
Kamal

(SUVIR SEHGAL)
JUDGE

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