

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-11063-2023 (O&M)

Date of decision: 13.09.2023

Gurwinder Singh @ Ginda

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Ms. Simsi Dhir Malhotra, Advocate for petitioner.

Mr. Mohit Thakur, AAG, Punjab.

ARUN MONGA, J. (ORAL)

Petition herein is for quashing of order dated 30.04.2019 (Annexure P-1) whereby learned Judicial Magistrate First Class, Hoshiarpur, declared the petitioner proclaimed person in case FIR No.44 dated 11.05.2015, registered under Sections 323, 324, 326, 148 read with Section 149 of Indian Penal Code, at Police Station, Chabbewal, District Hoshiarpur, Punjab.

2. Learned counsel for the petitioner, at the outset, submits that settlement/compromise dated 16.05.2023 has been arrived at between the parties and a separate quashing petition on the basis of compromise was filed bearing CRM-M-32219-2023, which has been allowed by this Court vide order of even date i.e. 13.09.2023. In view thereof, no useful purpose would be served to keep the present proceedings pending.

3. Learned State counsel does not controvert the aforesaid submissions.

4. Since the very purpose of initiating proceedings against petitioner under Section 82 Cr.P.C. was to ensure his presence before learned trial Court and now the matter stands settled between the parties vide compromise dated 16.05.2023 and FIR in question has already been quashed by this Court, there is no requirement of petitioner to appear before learned trial Court any further. Present proceedings are thus rendered otiose.

5. In view of aforesaid, I see no grounds as to why further proceedings should continue pursuant to the impugned order as same would be an exercise in futility and wastage of precious time of learned Court below.
6. In the totality of circumstances, impugned order dated 30.04.2019 (Annexure P-1) passed by learned Judicial Magistrate First Class, Hoshiarpur, whereby petitioner was declared a proclaimed person, stands quashed.
7. Petition is allowed accordingly.
8. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

13.09.2023

Vandana

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No