

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

CRM-M-15262-2023  
Reserved on : 25.04.2023  
Pronounced on : 17.05.2023

Shamer Chand and others .....Petitioners

Vs.

State of Punjab and others .....Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Vaibhav Narang, Advocate for the petitioner.

Mr. H.S. Sitta, DAG, Punjab.

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ANOOP CHITKARA J.

| FIR No. | Dated      | Police Station              | Sections  |
|---------|------------|-----------------------------|-----------|
| 93      | 19.12.2021 | Harike, District Tarn Taran | 174-A IPC |

Seeking quashing of above-captioned FIR and proclamation order dated 01.07.2019, the accused has come up before this court under Section 482 of the Code of Criminal Procedure, 1973 (CrPC).

2. Petitioner was arraigned as an accused in FIR No.9 dated 23.01.2016. On failure to appear before the trial court, failure to serve the petitioner through the ordinary process, including summons,ailable warrants, and even non-ailable warrants, the concerned court finally proceeded against the petitioner under section 82 of CrPC and declared the petitioner a proclaimed offender vide order dated 23.01.2016.

3. In paragraph 3 of the petition, it is declared that the non-appearance was due to multiple cases registered against him, which led to confusion of dates. Now, he has settled the matter with the complainant and this court vide order dated 24-04-23 has quashed the said FIR in CRM-M-9289-2023. The copy of the order has been handed over. The point to which the petitioner wants to draw the attention of this court is that the absence was not willful, and was due to the factors beyond the petitioner’s control. The State could not dispute the factual matrix at this stage.

4. Given the above, the petitioners have made a case on the preponderance of probability

that neither any sincere attempt was made to execute the warrants nor did the petitioners have any knowledge about appearance as contemplated under section 82 CrPC. Thus, the order is arbitrary and did not afford reasonable opportunity as mandated under Section 82 of CrPC.

5. Considering the entire facts, compromise and in the light of the above mentioned judicial precedents, I believe that continuing these proceedings will not suffice any fruitful purpose whatsoever. In the facts and circumstances peculiar to this case, the Court invokes the inherent jurisdiction under Section 482 CrPC and quashes the FIR and all subsequent proceedings qua the petitioners only. The bail bonds of the petitioners are accordingly discharges.

**Petition allowed in the terms mentioned above.** Pending applications, if any, stand disposed of.

(ANOOP CHITKARA)  
JUDGE

17.05.2023  
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Whether speaking/reasoned: Yes  
Whether reportable: **No.**