

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-19067-2023

Date of Decision :- 23.08.2023

Kuldeep Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr.N.S. Sodhi, Advocate
for the petitioner.

Mr.Anup Singh, AAG, Punjab.

SUVIR SEHGAL, J. (ORAL)

1. Instant petition has been filed under Section 482 Cr.P.C. with two-fold prayers. Petitioner has firstly prayed for quashing of FIR No.50 dated 18.04.2011, under Sections 427/279/304-A IPC, registered at Police Station Ghall Khurd, District Ferozepur, Annexure P1 on the basis of compromise dated 28.03.2023, Annexure P5 and affidavit Annexure P6 executed by the complainant. The second prayer made in the petition is for quashing of order dated 20.02.2015, Annexure P2 whereby the petitioner has been declared as a proclaimed person.

2. In view of the judgment rendered by a Division Bench of this Court in **Baldev Singh Versus State of Punjab and another, 2016(3) Law Herald 2020**, petition seeking quashing of FIR lodged under Section 304-

A, IPC on the basis of compromise, cannot be entertained.

3. Counsel for the petitioner submits that he does not press the petition insofar as the first prayer is concerned at this stage.

4. **Petition is dismissed as not pressed qua the first prayer at this stage.**

5. In so far as the second prayer is concerned, counsel for the petitioner submits that in compliance of order dated 02.05.2023, petitioner has surrendered before the trial Court, joined the proceedings and is regularly appearing before the trial Court.

6. Heard counsel for the parties.

7. The intention behind incorporation of Section 82 in the Code of Criminal Procedure, 1973 is to secure the presence of the accused. Once the accused has surrendered and joined the proceedings, he can no longer be described as an absconder and the order declaring him as a proclaimed person deserves to be set aside.

8. In view of the above, impugned order dated 20.02.2015, Annexure P3, is set aside.

9. Petition is disposed of.

23.08.2023

Brij

(SUVIR SEHGAL)
JUDGE

Whether reasoned/speaking

:

Yes/No

Whether reportable

:

Yes/No