

S. No.266

2023:PHHC:124609

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

CRM-M-19098 of 2023

Date of Decision:21.09.2023

**Sandeep Kumar and another
Vs.**

.....Petitioners

State of Punjab and another

.....Respondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Amandeep Vashisth, Advocate
for the petitioners.
Mr. R.S. Khaira, DAG, Punjab.
Mr. Rose Gupta, Mr. Amandeep Kumar, Mr. Amarinder
Singh Cheema, Mr. Vikas Garg and Ms. Ridhi Singla,
Advocates for respondent No.2.

DEEPAK GUPTA, J. (Oral)

On 20.04.2023, following order was passed by this Court:-

“Prayer in this petition is to quash the order dated 07.11.2022 (Annexure P-2) passed by learned Judicial Magistrate 1st Class, Ludhiana, whereby petitioners have been declared proclaimed offenders in a case arising out of FIR No.0223, dated 18.09.2017, registered at Police Station Model Town, District Ludhiana, under Sections 420, 120-B, 465, 467, 468 and 471 of IPC.

It is submitted that matter has already been compromised between the parties on 27.02.2023 and that this Court vide order dated 23.03.2023 passed in CRM-M-12822 of 2023, has already directed the parties to appear before the Court concerned for getting their statements recorded before the Trial Court. Learned counsel submits that consequent to the order dated 07.11.2022, FIR under Section 174-A IPC has not been registered till date, but due to declaration of the petitioner as proclaimed offender, they are unable to appear before the

Court concerned for getting their statements recorded. It is further informed that the matter is now fixed before the Trial Court on 29.05.2023 for getting their statements recorded regarding the compromise.

Notice of motion for 24.07.2023.

Mr. R.S. Khaira, DAG, Punjab accepts notice on behalf of respondent No.1-State. Copy of the paper book be supplied to him during the course of day.

In the meantime, operation of the impugned order dated 07.11.2022 (Annexure P-2) shall remain stayed.

To be put up along with CRM-M No.12822 of 2023.”

It is rightly pointed out by learned counsel for the petitioners that in the order dated 20.04.2023, the case number has been inadvertently mentioned as CRM-M-12882 of 2023 instead of 12822 of 2023. Necessary rectification is carried out.

Today, afore-said FIR has been quashed on the basis of compromise in CRM-M-12822 of 2023.

In view of the above and considering the fact that no FIR has been registered till date pertaining to declaring the petitioner as proclaimed person, the present petition is hereby accepted as it will be futile exercise to continue with the proceedings, once the matter has been compromised between the parties. As such, impugned order is set aside.

Disposed of.

September 21, 2023
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned
Whether Reportable

Yes/No
Yes/No