

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
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Date of decision: 04.09.2023

CRM-M-19076-2019 (O&M)

Karamjit Kaur

...Petitioner(s)

Vs.

State of Punjab & Another

...Respondent(s)

CRM-M-22528-2019 (O&M)

Karamjit Kaur

...Petitioner(s)

Vs.

State of Punjab

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Siddharth Gupta, Advocate
for the petitioner.

Mr. J.S. Arora, DAG Punjab.

NIDHI GUPTA, J.

CRM-M-19076-2019

Present petition under Section 482 Cr.P.C. is filed seeking
quashing of FIR No.13 dated 02.02.2017 under Section 174-A IPC registered
at Police Station Phool, District Bathinda.

CRM-M-22528-2019

Present petition under Section 482 Cr.P.C. is filed seeking
quashing of impugned order dated 27.01.2017 (Annexure P8) passed by
learned SDJM, Phul in case bearing FIR No.51 dated 13.06.2016 under

Sections 306, 315 and 34 IPC registered at Police Station Phul, District Bathinda, whereby the petitioner was declared proclaimed offender.

Both the present petitions are being disposed of by this common order as the facts of the cases are identical and arise from the same FIR.

2. Learned counsel for the petitioner submits that the petitioner is the mother-in-law of the deceased. Complainant is the father of the deceased. The deceased was married to the son of the petitioner in 2013. A daughter was born out of this wedlock.

3. Learned counsel submits that the order declaring the petitioner as proclaimed offender and the consequential registration of FIR against the petitioner under section 174-A IPC, are grossly unfair as the Id. Court below has overlooked important facts of the case in doing so. It is submitted that main FIR No.51 was registered on 13.06.2016 by the father of the deceased against the petitioner and her son. Thereafter, the petitioner was admitted in the hospital on 16.08.2016. Admittedly, on 23.08.2016, the petitioner being in a serious condition was referred to PGI Chandigarh, where she underwent surgery in which her left leg was amputated. Thereafter, the petitioner was discharged from PGI Chandigarh on 25.09.2016. Subsequently on 09.01.2017, a compromise (Annexure P5) was entered into between the concerned parties.

4. Learned counsel further submits that during this time, when the petitioner was still recuperating from her surgery, the impugned order dated 27.01.2017, declaring the petitioner a proclaimed offender was

passed. Pursuant to that, case bearing FIR No.13 dated 02.02.2017 under Section 174-A IPC was registered at Police Station Phool, District Bathinda. Learned counsel submits that it is also pertinent to mention that upon investigation, the petitioner has even been declared innocent in the present case vide GD No.22 dated 02.08.2017. It is submitted that accordingly, in view of the above facts, the impugned orders dated 27.01.2017, be set aside; as also the FIR No.13 dated 02.02.2017 under Section 174-A IPC, be quashed.

5. Learned State Counsel does not dispute the above said facts; and further submits that Cancellation Report has been filed on 06.03.2023 in respect of the petitioner in main FIR No.51 dated 13.06.2016.

6. In view of the above undisputed factual position, both the present petitions are **allowed**. In CRM-M-22528-2019, the impugned order dated 27.01.2017 passed by learned SDJM, Phul in case bearing FIR No.51 dated 13.06.2016 under Sections 306, 315 and 34 IPC registered at Police Station Phul, District Bathinda, whereby the petitioner was declared proclaimed offender, is set aside; and in CRM-M-19076-2019, FIR No.13 dated 02.02.2017 under Section 174-A IPC registered at Police Station Phool, District Bathinda, is quashed.

7. Pending application(s) if any also stand(s) disposed of.

04.09.2023
Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No