

CRM-M-34612-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-34612-2023

Date of decision: 21.07.2023

Sandeep Sharma

...Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Amandeep Vashisth, Advocate,
for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Challenge in the present petition is to the order dated 02.05.2023 passed by learned Judicial Magistrate Ist Class, SAS Nagar, vide which the petitioner has been declared a proclaimed offender in case bearing FIR No.25 dated 05.02.2019, registered at Police Station Phase-II, Mohali, under Sections 406, 420, 465, 467, 468, 471 and 120-B IPC.

The frontal argument of learned counsel for the petitioner is that since the main dispute has been settled between the parties and in the quashing petition being CRM-M-26090-2023, preferred by the petitioner and the co-accused, vide order dated 22.05.2023 passed by a Coordinate Bench, the parties had been directed to appear before the trial Court to get their statements recorded qua the genuineness of the compromise, the impugned order may be set aside.

I have heard the learned counsel for the petitioner.

CRM-M-34612-2023

The petitioner has approached this Court for quashing of the impugned order declaring him a proclaimed offender. A perusal of the paper-book of CRM-M-26090-2023 available on *Mozila* Software of this Court, reveals that there is a specific note in the memo of parties that the petitioners were never declared proclaimed offenders in any other case or present case. The said petition was filed on 19.05.2023 i.e. after passing the impugned order. Furthermore, para No.12 of that petition would read as under:

“12. That neither the petitioners are ever been declared as proclaimed offender by any Court in any case, nor any proceeding of proclaimed offender is pending against the petitioners so far.”

All the above facts show that the petitioner alongwith co-accused has obtained the order dated 22.05.2023 in the petition for quashing of FIR, on the basis of compromise, by concealing the material fact that the petitioner was declared a proclaimed offender on 02.05.2023. One who approaches the Court, must come with clean-hands. The petitioner has abused the process of law. The petitioner's case is based on falsehood and, therefore, he has no right to approach the Court.

In view of the above, the present petition is dismissed with costs of Rs.10,000/- to be deposited by the petitioner with the District Legal Services Committee, Mohali.

Copy of this order be sent to the trial Court.

21.07.2023

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No