

CRM-M-18364-2024 (O & M)

2024:PHHC:097299



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(276)

CRM-M-18364-2024 (O & M)
Date of decision: 31.07.2024

Sohan Lal @ Sohan Singh Petitioner
V/s
State of Punjab and anr. ...Respondent

CORAM: HON’BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Keshav Pratap Singh, Advocate,
for the petitioner(s).

Mr. Mohit Saroha, AAG, Punjab.

Mr. Kunal Singh, Advocate, for the respondent No.2.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 482 Cr.P.C. is for quashing of the order dated 13.02.2023 (Annexure P-5) passed by the Judicial Magistrate Ist Class, Balachaur vide which the petitioner had been declared a proclaimed offender in case FIR No.65 dated 26.12.2016 under Sections 323, 324, 326, 442, 148, 149 and 34 IPC (Sections 148 and 149 IPC were deleted and Section 34 IPC added later on) registered at Police Station Pojewal, District Shaheed Bhagat Singh Nagar and all other subsequent proceedings arising therefrom.

2. The learned counsel for the petitioner contends that the aforementioned FIR was registered on 26.12.2016. During the course of the investigation, the petitioner was declared innocent. He was ordered to



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summoned under Section 319 Cr.P.C. alongwith a co-accused/Amit Lal on 08.08.2022 (Annexure P-2). However, prior to that he had already gone abroad on 11.11.2021. Four accused faced Trial and were acquitted vide judgment dated 28.03.2023. Pursuant to their acquittal, a compromise had been arrived at between the petitioner on the one hand and the complainant on the other. As the petitioner was abroad when he came to be summoned under Section 319 Cr.P.C. and subsequently, was declared a proclaimed offender on 13.02.2023, the entire proceedings took place behind his back and therefore, were liable to be quashed.

3. The learned counsel for the complainant does not dispute the factual position and states that a compromise has been arrived at and he has no objection in case, the impugned order (Annexure P-5) is quashed.

4. The learned counsel for the State has filed a reply dated 29.07.2024 which is taken on record. While referring to the said reply, he contends that the petitioner had rightly been declared a proclaimed offender. Therefore, the present petition was not maintainable and the impugned order dated 13.02.2023 could not be quashed. He, however, does not dispute the factual position as narrated by the learned counsel for the petitioner.

5. I have heard the learned counsel for the parties.

6. Admittedly, the petitioner was named in the FIR but subsequently, was declared innocent by the investigating agency. However, when he was ordered to be summoned under Section 319 Cr.P.C. on 08.08.2022, he had already gone abroad prior thereto on 11.11.2021.



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Therefore, apparently, all the proceedings leading up to him being declared a proclaimed offender on 13.02.2023 took place behind his back. Further, a compromise has been arrived at between the petitioner on the one hand and the complainant on the other. In this situation, no useful purpose would be served by allowing the proceedings arising out of the impugned order (Annexure P-5) to continue.

7. In view of the above discussion, the order dated 13.02.2023 (Annexure P-5) whereby the petitioner has been declared a proclaimed offender in FIR No.65 dated 26.12.2016 under Sections 323, 324, 326, 442, 148, 149 and 34 IPC (Sections 148 and 149 IPC were deleted and Section 34 IPC added later on) registered at Police Station Pojewal, District Shaheed Bhagat Singh Nagar and all subsequent proceedings arising therefrom are hereby quashed qua the petitioner only.

8. The present petition stands disposed of in the above terms.

July 31, 2024
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

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