

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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2024.PHHC.133756



CRM-M-35052 of 2021
DECIDED ON: 14th October, 2024

Pardeep Kumar

.....PETITIONER

VERSUS

State of Punjab and another

.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA.

Present: None for petitioner.

Ms. Guramrit Kaur, DAG Punjab.

Mr. Manuj Nagrath, Advocate for respondent No.2.

NIDHI GUPTA., J (ORAL)

Prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of FIR No. 103 dated 20.09.2016 under Section 406, 498-A IPC, registered at Police station Women cell, Ludhiana, and all subsequent proceedings arising therefrom.

At the very outset Learned counsel for the State points out that the petitioner has been declared a proclaimed offender by the learned trial Court/Judicial Magistrate 1st Class, Ludhiana, vide order dated 18.04.2024. A copy of the said order is handed over in Court, which is taken on record.

Learned counsel for complainant/respondent No.2 further points out that the trial is now at an advanced stage, almost at the fag end as the prosecution evidence is about to be concluded. In this regard, copy of zimni order dated 03.10.2024 is handed over in Court, which is taken on record. Ld. Counsel also refers to a judgment by a Coordinate Bench of

Alias Shera and Another vs State of Punjab and Another decided on **9.2.2023** it was held that *“Likewise, those cases where the charge is framed but the evidence is yet to start or the evidence is still at infancy stage, the High Court can show benevolence in exercising its powers favourably, but after prima facie assessment of the circumstances/material mentioned above. On the other hand, where the prosecution evidence is almost complete or after the conclusion of the evidence the matter is at the stage of argument, normally the High Court should refrain from exercising its power under Section 482 of the Code, as in such cases the trial court would be in a position to decide the case finally on merits and to come a conclusion as to whether the offence under [Section 307](#) IPC is committed or not.”*

Heard.

Order sheet dated 09.04.2024 shows that on the last date of hearing none was present on behalf of petitioner. Today also there is no representation on behalf of petitioner.

In view of the undisputed facts as noticed above, as also in view of the fact that the petitioner has been declared proclaimed offender in the present FIR No.103 dated 20.09.2016, vide order dated 18.04.2024, no ground is made out to grant the relief as prayed for. As such, the present petition is dismissed.

Pending applications, if any, stand disposed of.

(NIDHI GUPTA)
JUDGE

14th October 2024
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Whether speaking/reasoned	Yes
Whether reportable	No