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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(277)

CRM-M-40055-2023 (O & M)
Date of decision: 21.08.2024

Uday Raj and anr. Petitioner(s)

V/s

State of Punjab and anr. ...Respondent(s)

CORAM: HON’BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Umesh Aggarwal, Advocate, for the petitioners.

Mr. Malkit Singh Dhillon, DAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 482 Cr.P.C. is for quashing of the order dated 11.01.2022 passed by the Additional Chief Judicial Magistrate, Amritsar vide which the petitioners were declared proclaimed persons in FIR No.46 dated 13.02.2020 under Sections 420, 406, 467, 468, 471 and 120-B IPC and Section 13 of the Punjab Travel Professionals Act, 2014, registered at Police Station Sadar Road, Amritsar.

2. The learned counsel for the petitioners contends that the FIR was registered on 13.02.2020. The petitioners were declared proclaimed persons vide order dated 11.01.2022. Pursuant thereto, a compromise was arrived at between petitioner No.1 on the one hand and the complainant-Sakshi on the other. A quashing petition bearing No. CRM-M-4333 of 2023 was filed seeking quashing of the FIR on the basis of a compromise.



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dated 11.01.2022 vide which the petitioners had been declared proclaimed persons. On 18.08.2023, the operation of the impugned order was stayed. In the petition for quashing of the FIR on the basis of a compromise, the complainant appeared before the Magistrate and got recorded her statement to the effect that the compromise has been arrived at. However, the petitioners were unable to appear before the said Court on account of the fact that they were travelling to Bangalore. Therefore, the said petition came to be withdrawn. A subsequent petition for quashing the FIR on the basis of a compromise was filed wherein the petitioners appeared but the complainant did not. He contends that once a compromise had been arrived at pursuant to which the complainant had received the entire amount, no useful purpose would be served by allowing the proceedings emanating out of the impugned order dated 11.01.2022 to continue. He, therefore, prays that the impugned order may be quashed.

3. None has appeared on behalf of the respondent No.2/complainant despite service.

4. The learned counsel for the State has filed a reply dated 20.08.2024 which is taken on record. While referring to the said reply, he contends that the offence stands established beyond doubt and the conduct of the petitioners in absconding despite being aware of the proceedings against them did not entitle them to the concession as sought. Therefore, the present petition was liable to be dismissed.

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



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6. A perusal of the facts as enumerated above would show that pursuant to the petitioners being declared proclaimed offenders, a compromise was arrived at and in terms of the compromise, the complainant has received the entire amount. Despite having received the payment, she has chosen not to put in appearance before this Court. However, as the parties have effected a settlement and made the entire payment, no useful purpose would be served by permitting the proceedings emanating out of the impugned order to continue. Therefore, the order dated 11.01.2022 whereby the petitioners have been declared proclaimed offenders stands quashed.

7. The present petition stands disposed of.

August 21, 2024
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No