



CRM-M-55312-2024

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**120 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-55312-2024

Date of Decision: 07.11.2024

Zinampal Singh @ Jinampal Singh @ Pohli Petitioner

Versus

State of Punjab and another Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Vivek K.Thakur, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (Oral)

1. Prayer in the present petition is for quashing of order dated 07.06.2011 (Annexure P-13) (wrongly mentioned as order dated 07.05.2011) passed by learned Judicial Magistrate Ist Class, Kapurthala, whereby the petitioner has been declared as proclaimed offender in violation of procedure mentioned under Section 82 Cr.P.C. in a case complaint No.72 dated 14.11.2006, under Sections 323, 324, 325, 382, 427, 506, 148, 149 IPC, at Police Station Bholath/Begowal, District Kapurthala.

2. Learned counsel for the petitioner has submitted that the petitioner was prosecuted in a complaint filed under Sections 323, 324, 325, 382, 427, 506, 148, 149 IPC. He submits that later on the matter was amicably settled and the complaint was withdrawn by the complainant vide order dated 27.10.2012. It is submitted that during the pendency of the complaint the petitioner was declared proclaimed offender vide order dated 07.06.2011 (Annexure P-13) (wrongly mentioned as order dated 07.05.2011). He further submits that once the main complaint itself stands withdrawn, the impugned order has no legal sanctity.

3. Notice of motion.

4. Mr. Tarun Aggarwal, Sr. DAG, Punjab, accepts notice on behalf



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of the State.

5. I have heard counsel for the parties and perused the record. It is apparent that the petitioner was declared as a proclaimed offender vide order 07.06.2011 (Annexure P-13) (wrongly mentioned as order dated 07.05.2011) and as submitted before this Court, the complaint also stands withdrawn. In these circumstances, when the main complaint itself stands withdrawn, continuation of PO proceedings would be nothing but an abuse of the process of law. Thus, in the overall facts and circumstances of the case, the present petition is disposed of and the order dated 07.06.2011 (Annexure P-13) (wrongly mentioned as order dated 07.05.2011), is set aside subject to payment of Rs.25,000/- to be paid by the petitioner within a period of one week from today in the proportion as mentioned below:-

1. Punjab and Haryana High Court Employees' Welfare Association- Rs.15,000/-
2. Punjab and Haryana High Court Bar Association, Chandigarh- Rs.10,000/-

6. The petitioner would file copy of the receipts before the Registry of this Court within a period of ten days from today and will have protection from arrest for a period of 10 days from today.

7. Needless to say that in case the petitioner fails to comply with the abovesaid direction, this order would be of no avail to him and the order dated 07.06.2011 (Annexure P-13) (wrongly mentioned as order dated 07.05.2011) will come in force and the present petition shall be deemed to have been dismissed.

07.11.2024

sharmila

Whether Speaking/Reasoned
Whether Reportable

: Yes/No
: Yes/No

(RAJESH BHARDWAJ)
JUDGE