

**CRM-M-4376-2020 (O&M)****-1-****260****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-4376-2020 (O&M)**

Date of Decision:- 05.08.2025

Mohan Lal

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Manmohan Saroop, Advocate and
Ms. Meenakshi Saroop, Advocate
for the petitioner.

Mr. Ayuwan Singh, AAG, Haryana.

Ms. Harmeet Kaur Bhatia, Advocate for
Mr. Vijay Rana, Advocate
for respondent No. 2.

AMARJOT BHATTI, J.(Oral)

1. Petitioner Mohan Lal (**presently residing in Italy**) through his General Power of Attorney Pritam Dass filed present petition under Section 482 of Cr.P.C. for quashing of case FIR No. 24 dated 29.01.2005 (Annexure P-1) registered under Section 406, 498-A of IPC at Police Station Sadar Jalandhar, District Jalandhar, on the basis of compromise dated 28.04.2010 (Annexure P-2).

2. As per brief facts of case, aforesaid FIR was registered on the statement of Asha Rani complainant/respondent No. 2 who stated that her marriage was performed with Mohan Lal (petitioner) on 04.04.1993. Her parents had given dowry beyond their capacity. Her husband had come from Italy before marriage. They lived together in her in-laws' house at



Amargarh. Other family members were also residing in same house. Her mother-in-law used to visit England and Italy to reside with her sons. Her husband went back to Italy after one and a half month of marriage. She started residing with her in-laws where she was taunted for bringing less dowry. They forced her to bring more dowry and she was forced to give money to her mother-in-law from time to time. She tried to adjust in matrimonial home but there was no change in their behaviour. She was turned out of the matrimonial home on 05.12.2004 and then she started residing with her parents. With these allegations, present FIR was registered and investigation was carried out.

3. Learned counsel representing petitioner pointed out that matter has been compromised with intervention of close relatives. Compromise Deed dated 28.04.2010 is Annexure P-2. Present petitioner alongwith other co-accused filed CRM-M-13689-2010, which is titled "Assa Ram and others Vs. State of Punjab and another" for quashing of FIR on the basis of compromise and said petition was allowed qua Assa Ram, Harbans Kaur, Ranjit Kumar, Bimla and Joginder vide order dated 18.03.2011 (Annexure P-3). On the basis of said compromise, application filed by respondent No. 2 under Section 12 of Protection of Women from Domestic Violence Act was also withdrawn vide order dated 28.04.2010 (Annexure P-4). Respondent No. 2 filed petition under Section 13 of Hindu Marriage Act which was allowed *exparte* vide judgment dated 11.08.2011 (Annexure P-5). On the basis of order of this Court dated 18.03.2011, all proceedings qua other accused persons came to an end and accordingly, they were discharged by learned Additional Chief Judicial Magistrate, Jalandhar vide



order dated 28.03.2011 (Annexure P-6). Even in present case, report was received regarding compromise arrived at between the petitioner and respondent No. 2 and statement of respondent No. 2 was also recorded where she has confirmed the compromise dated 28.04.2010 (Annexure P-2) and has no objection for quashing of present FIR. In report received from learned trial Court, it is mentioned that petitioner was declared proclaimed offender vide order dated 24.12.2005. However, there is no such order on record. Learned counsel representing petitioner submitted that aforesaid FIR No. 24 dated 29.01.2005 (Annexure P-1) (supra) and all subsequent proceedings thereon qua present petitioner be quashed.

4. Learned counsel representing respondent No. 2 has not opposed present petition.

5. Learned counsel representing State filed status report that petitioner could not be arrested in present case and after following due procedure of law petitioner was declared proclaimed offender by the trial Court vide order dated 24.12.2005. However, despite applying for certified copies from the Court, said file could not be traced out. It is pointed out that FIR was rightly registered against petitioner and other co-accused. Petitioner has not joined investigation at any stage. Therefore, petition filed by petitioner seeking quashing of FIR may kindly be dismissed in the interest of justice.

6. I have considered the aforesaid factual position. Petitioner Mohan Lal has filed this petition seeking quashing of FIR on the basis of compromise dated 28.04.2010 (Annexure P-2) through his Power of Attorney holder as petitioner is still residing in Italy. Contents of petition

**CRM-M-4376-2020 (O&M)****-4-**

and status report clearly indicate that Mohan Lal never joined investigation in aforesaid FIR at any stage. Apart from present petitioner, there were other co-accused and on the basis of order dated 18.03.2011 (Annexure P-3) passed in CRM-M-13689-2010, proceedings qua them in said FIR were quashed and accordingly, they were discharged by the trial Court vide order dated 28.03.2011 (Annexure P-6). Present petitioner Mohan Lal was arrayed as petitioner No. 2 through his attorney Pritam Dass and even at that stage, learned counsel appearing in that case withdrew petition qua him as he was away to Italy. In pursuance to order dated 03.02.2020, report has been received from Additional Chief Judicial Magistrate, Jalandhar vide letter No. 1031G dated 16.03.2020, where it was confirmed on the statement of ASI Vijay Kumar that Mohan Lal – petitioner was declared proclaimed person vide order dated 24.12.2005. At that stage, respondent No. 2 did not appear, therefore, another report was called for which was received vide letter No. 356G dated 10.02.2023 and statement of Asha Rani – respondent No. 2 was recorded confirming the compromise. Subsequent reports were called for to verify proclamation order passed against present petitioner and as per letter No. 4102G dated 25.10.2023, again ASI Sanjay Kumar, No. 866 confirmed that Mohan Lal was absconding and he was declared proclaimed offender vide order dated 24.12.2005.

Considering the aforesaid record, one thing is clear that present petitioner Mohan Lal was declared proclaimed offender by the trial Court vide order dated 24.12.2005. Even though the file is not traceable, it will not change the factual position. File can be traced by concerned authority by making positive efforts and on the other hand, it can also be



CRM-M-4376-2020 (O&M) **-5-**

reconstructed. Since, petitioner Mohan Lal was declared proclaimed offender and even at present he has filed this petition through his Attorney while residing in Italy, I do not find it appropriate to quash FIR No. 24 dated 29.01.2005 (Annexure P-1) (supra) on the basis of compromise. Resultantly, second petition filed by petitioner Mohan Lal is, accordingly, dismissed.

7. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

05.08.2025
lalit

(AMARJOT BHATTI)
JUDGE

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