

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

**CRM-M-6007-2024
Date of Decision:03.07.2025**

KRISHAN GUPTA @ KRISHNA GUPTA

.....PETITIONER

VERSUS

STATE OF UT CHANDIGARH

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. C.L.Verma, Advocate for the petitioners.

Ms. Vasundhara Dalal Anand, APP, UT Chandigarh.

Ms. Manvi Arora, Advocate for respondent No. 2.

SANDEEP MOUDGIL, J

The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973, seeking quashing of FIR No. 406 dated 06.11.2023 registered under Section 174-A of the Indian Penal Code, 1860, at Police Station Sector 36, Chandigarh.

2. Learned counsel for the petitioner contended that the petitioner had already surrendered on 20.01.2024 and was granted bail upon furnishing bail bonds to the tune of Rs.1,00,000/- with one surety in the like amount. A copy of the bail order has been placed on record as Annexure P-3.

3. Per contra, learned Additional Public Prosecutor for the Union Territory of Chandigarh, Ms. Vasundhara Dalal Anand, submitted that the

petitioner was again declared a proclaimed offender on 07.04.2025 by the Court of Ms. Jaspreet Kaur, JMIC, Chandigarh. A certified copy of the said order has been produced and is taken on record as Annexure 'A'.

4. This Court has carefully considered the respective contentions and perused the material available on record. It is undisputed that the petitioner has been declared a proclaimed person by the competent court. The Hon'ble Supreme Court in *State of Madhya Pradesh v. Laxmi Narayan & Ors.*, (2019) 5 SCC 688, while discussing the parameters under which powers under Section 482 Cr.P.C. can be exercised, held that such inherent powers must be exercised sparingly, with great caution and only to prevent abuse of the process of law or to secure the ends of justice. Moreover, in *State of Haryana v. Bhajan Lal*, 1992 Supp (1) SCC 335, the Court laid down illustrative grounds for quashing of FIRs, none of which are attracted in the present case.

5. Further, the Hon'ble Supreme Court in *Lavesh v. State (NCT of Delhi)*, (2012) 8 SCC 730 held as follows :-

'From these materials and information, it is clear that the present appellant was not available for interrogation and investigation and declared as "absconder". Normally, when the accused is "absconding" and declared as a "proclaimed offender", there is no question of granting anticipatory bail. We reiterate that when a person against whom a warrant had been issued and is absconding or concealing himself in order to avoid execution of warrant and declared as a proclaimed offender in terms of [Section 82](#) of the Code is not entitled the relief of anticipatory bail.'

Further it was categorically held that a person declared as a proclaimed offender is not entitled to discretionary reliefs such as anticipatory bail or quashing, as such a person has not come to the Court with clean hands and is guilty of wilful non-cooperation with the process of law.

6. In the present case, it is evident that the petitioner was declared a proclaimed person as recently as 07.04.2025. This Court is of the considered view that the petitioner has suppressed material facts and has not approached this Court with clean hands. His conduct disentitles him to any discretionary or equitable relief under Section 482 Cr.P.C. The inherent powers of this Court cannot be invoked to nullify the lawful action taken by the trial Court in declaring the petitioner a proclaimed person, particularly in the absence of any cogent explanation or bona fide justification for his default in appearing before the trial Court.

7. Accordingly, in view of the above discussion and binding precedents, the present petition is dismissed as being devoid of merit.

8. All pending miscellaneous applications, if any, stand disposed of accordingly.

03.07.2025
anuradha (a)

(SANDEEP MOUDGIL)
JUDGE

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