



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M No.10393 of 2022 (O&M)

Date of decision: 23.04.2026

Daljit Kaur and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present :- Mr. Sandeep Khunger, Advocate
Mr. Saksham Khunger, Advocate and
Mr. Kanwar Shehbaj Singh, Advocate
for the petitioners.

Mr. Navraj S. Mahal, DAG, Punjab
for respondent No.1-State.

None for respondent No.2.

MANDEEP PANNU, J. (Oral)

1. The present petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of the complaint bearing registration No. *COMI/29/2015* dated 05.09.2016 under Sections 420 and 120-B of the Indian Penal Code, and for quashing of order dated 15.10.2018 passed by learned Judicial Magistrate 1st Class, Jalandhar, whereby the petitioners were declared as proclaimed persons, in spite of the fact that the petitioners are residents of United Kingdom and without service of any notice upon the petitioners.

2. It is contended by learned counsel for the petitioners that although in the present petition, the petitioners have sought quashing of the



complaint as well, however, at this stage, they do not press the said relief as the complaint already stands dismissed as withdrawn vide order dated 09.12.2024, and the petition is now confined only to the second relief, i.e quashing of the order dated 15.10.2018 declaring the petitioners as proclaimed persons. It is submitted that earlier, the complaint had already been dismissed qua the co-accused vide judgment dated 14.08.2019 with liberty to revive the same as and when the present petitioners were apprehended. It is further argued that after the filing of the present petition, this Court vide order dated 28.04.2022 had directed the petitioners to appear before the trial Court within a period of one month. In compliance thereof, the petitioners appeared before learned Judicial Magistrate 1st Class on 09.05.2022 and moved an application for revival of the complaint and for furnishing bail bonds. The petitioners were accordingly admitted to bail and notice was issued to the complainant. Learned counsel further submits that thereafter, the case remained pending for various dates. On 05.04.2023, the petitioners could not appear and their non-bailable warrants were issued. On 20.04.2023, applications for exemption as well as for dismissal of the complaint were moved. However, on 15.07.2023, both the petitioners again remained absent and notice was issued to them, followed by issuance of non-bailable warrants on subsequent dates. It is further submitted that on 26.07.2024, proclamation proceedings were initiated and the matter remained pending on several dates as the proclamation was not received back, resulting in repeated issuance of the same. It is further contended that ultimately, on 09.12.2024, the complainant appeared before the trial Court and made a statement that the matter had been amicably



compromised with the accused persons and that he had received the entire agreed amount, leaving no subsisting claim. He further stated that he would withdraw all civil and criminal cases pending at Phillaur as well as at Jalandhar and prayed for dismissal of the complaint. On the basis of the said statement, counsel for the accused also made a statement expressing no objection to dismissal of the complaint and undertook to withdraw all cases filed against the complainant and not to initiate any further litigation. Consequently, the complaint was dismissed as withdrawn. It is thus argued that once the main complaint itself has been dismissed as withdrawn on the basis of compromise, the continuation of the order declaring the petitioners as proclaimed persons is wholly unjustified. It is submitted that the very object of proceedings under Section 82 Cr.P.C. is to secure the presence of the accused, and once the petitioners have appeared before the trial Court in compliance with the order dated 28.04.2022, the said purpose already stands achieved. Therefore, the impugned order dated 15.10.2018 declaring the petitioners as proclaimed persons deserves to be set aside. It is further contended by learned counsel for the petitioners that the controversy in the present case is squarely covered by the judgment of this Court in ***Bhupinderjeet @ Bhola versus State of Punjab and another, CRM-M No.123 of 2020*** decided on 25.11.2020, wherein it has been held that the object of proceedings under Section 82 Cr.P.C. is only to secure the presence of the accused and once the said purpose stands achieved, the order declaring a person as proclaimed offender ceases to operate and deserves to be set aside. It has been further held therein that where the accused has appeared before the trial Court, has been granted bail and has



joined the proceedings, his absence stands regularized and the default stands condoned.

3. Learned State counsel has opposed the present petition and submits that the petitioners were rightly declared as proclaimed persons vide order dated 15.10.2018, as they had deliberately avoided appearance before the trial Court for a considerable period. It is contended that there is no illegality or infirmity in the impugned order and the same does not call for interference. It is further argued that even though the complaint has subsequently been dismissed as withdrawn on 09.12.2024, the petitioners cannot derive any benefit from the same, as they had earlier flouted the process of law and remained absent despite issuance of warrants and proclamation proceedings. It is thus submitted that the conduct of the petitioners disentitles them from any discretionary relief and the present petition deserves to be dismissed.

4. I have heard learned counsel for the parties and have gone through the record.

5. The object of proceedings under Section 82 Cr.P.C. is primarily to secure the presence of an accused who is evading the process of law. The declaration of a person as a proclaimed offender is not punitive in nature but is a coercive measure to compel appearance before the Court. Once the said object is achieved and the accused submits to the jurisdiction of the Court, the very basis for continuation of such declaration ceases to exist.

6. In the present case, this Court, vide order dated 28.04.2022, had directed the petitioners to appear before the trial Court within a period of one month. In compliance thereof, the petitioners appeared before the



learned trial Court on 09.05.2022, moved an application for revival of the complaint and furnished bail bonds, pursuant to which they were admitted to bail. Thus, the purpose for which proceedings under Section 82 Cr.P.C. had been initiated stood fulfilled. It is also not in dispute that thereafter the matter remained pending for various dates, including issuance of non-bailable warrants on 05.04.2023, filing of applications on 20.04.2023, absence of the petitioners on 15.07.2023, and initiation of proclamation proceedings on 26.07.2024. However, the proceedings ultimately culminated in a compromise between the parties on 27.11.2024, whereupon the complainant made a categorical statement on 09.12.2024 that he had received the entire agreed amount and had no subsisting claim against the petitioners, and on that basis, the complaint was dismissed as withdrawn on the same day.

7. The issue as to the effect of appearance of an accused after being declared a proclaimed offender and the consequent continuation of such declaration is no longer *res integra*. In ***Bhupinderjeet @ Bhola (supra)***, this Court has held that the object of Section 82 Cr.P.C. is to secure the presence of the accused and once that purpose is achieved, the order declaring the accused as a proclaimed offender ceases to operate. It has further been observed that once the accused appears before the trial Court, is granted bail and joins the proceedings, his absence stands regularized and the default stands condoned, and consequently, the order declaring him as a proclaimed offender deserves to be set aside.

8. Applying the aforesaid principles to the facts of the present case, it is evident that the petitioners, in compliance with the order dated



28.04.2022, appeared before the trial Court on 09.05.2022 and joined the proceedings. Thereafter, the dispute between the parties has been amicably resolved and the complaint itself has been dismissed as withdrawn on 09.12.2024. In such circumstances, no useful purpose would be served in allowing the order dated 15.10.2018 declaring the petitioners as proclaimed persons to continue to operate. The continuation of such order would be an empty formality, particularly when the proceedings themselves no longer survive.

9. Accordingly, in view of the above discussion and the law laid down in *Bhupinderjeet @ Bhola (supra)*, the present petition is allowed. The impugned order dated 15.10.2018 passed by learned Judicial Magistrate 1st Class, Jalandhar, declaring the petitioners as proclaimed persons is hereby quashed.

10. All pending applications, if any, also stand disposed of.

23.04.2026

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(MANDEEP PANNU)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No