

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

CRM M-21113 of 2015

Date of decision : 18.11.2015

Anil Nath Kapoor

....Petitioner

V/s

State of Haryana & anr.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. N.L. Sammi, Advocate with
Mr. T.S. Grewal, Advocate for the petitioner.

RAJAN GUPTA J.

This is a petition under section 482 Cr.P.C. seeking quashing of orders Annexure P-5 and P-6 respectively.

Learned counsel for the petitioner submits that petitioner was never summoned in accordance with the procedure prescribed under section 82 Cr.P.C. According to him, no service of any summons or warrant was effected upon the petitioner. Thus, impugned orders deserve to be set-aside.

I have heard learned counsel for the petitioner.

It appears that petitioner while promising to send the son of complainant abroad took ₹19,30,000/- from him. After the amount was handed-over to the petitioner, he neither sent his son abroad nor returned the amount. Complainant filed a complaint before the Judicial Magistrate Ist Class, Assand, district Karnal under section 156(3) Cr.P.C. who ordered registration of FIR against the petitioner. After completion of investigation, case under sections 420/406/506 IPC was registered against the petitioner.

Petitioner absconded and was declared as proclaimed offender vide order dated 01.11.2011 after following procedure prescribed under sections 82 & 83 Cr.P.C. Investigating agency submitted its final report on 16.12.2011. Only plea of the petitioner is that service was effect on a wrong address. As petitioner never received any summons or warrants, the order declaring him proclaimed offender is illegal and needs to be set-aside. I am not convinced with the plea. While submitting final report before the competent court, investigating agency clearly stated that despite efforts it was not able to locate the petitioner. Investigation also remained held up due to non-cooperation on his part. At this stage, plea of the petitioner that he was not aware of the case registered against him is without any substance. It appears that petitioner has been deliberately evading the process of law so far. Under the circumstances, there is no merit in the petition. Dismissed.

November 18, 2015

Ajay

(RAJAN GUPTA)
JUDGE