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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 582/2017**

POONAM SHOKEEN

..... Petitioner

Represented by: Ms. Richa Dhawan, Mr. Man
Mohan Yadav, Mr. V.K. Teng,
Advts.

versus

THE STATE (GOVT. OF NCT OF DELHI)

..... Respondent

Represented by: Ms. Aashaa Tiwari, APP with
SI Hansraj Swami, PS Dwarka
North.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

12.05.2017

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1. By the present petition the petitioner has sought quashing of the order dated 20th October, 2015 passed by the learned Metropolitan Magistrate, Dwarka Courts declaring the petitioner as a proclaimed offender in FIR No. 37/2014 at PS Dwarka North.

2. Learned counsel for the petitioner assailing the order declaring the petitioner a proclaimed offender states that the petitioner has two residential addresses one being Flat No.352, Metro View Apartment, Sector 13, Pocket B, Dwarka and the second being House No. 457, Dichaun Kalan, Najafgarh, New Delhi which is the matrimonial home of the petitioner. She states

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that even as per the status report filed notice under Section 82 Cr.P.C. was affixed at Flat No. 352, Metro View Apartment, Sector 13, Pocket B, Dwarka, New Delhi and not at House No. 457, Dichaun Kalan, Najafgarh, New Delhi and hence the petitioner had no notice of the proceedings against her. Consequently, the order impugned is liable to be set aside.

3. Learned APP for the State on the other hand contends that the petitioner resided at Flat No. 352, Metro View Apartment, Sector 13, Pocket B, Dwarka, New Delhi as also mentioned by the complainant in his complaint stating that the petitioner and her husband were residing in this flat for the last more than 10 years. Further the investigating officer collected the regular electricity bills of this flat which is in the name of the petitioner showing regular use of electricity. Further though notice under Section 82 Cr.P.C. was affixed at Flat No. 352, Metro View Apartment, Sector 13, Pocket B, Dwarka, New Delhi, however notice under Section 83 Cr.P.C. was pasted by them at Flat No. 352, Metro View Apartment, Sector 13, Pocket B, Dwarka, New Delhi as well as House No. 457, Dichaun Kalan, Najafgarh, New Delhi, still the petitioner did not come forward.

4. A perusal of the case diary reveals that sufficient material was collected by the investigating agency to find out that the petitioner was a resident of Flat No. 352, Metro View Apartment, Sector 13, Pocket B, Dwarka, New Delhi and thus even if after the registration of FIR or at the relevant time the petitioner shifted to her matrimonial home, the same cannot be a ground for quashing of the impugned order as notice under Section 82 was required to be pasted, if not received, at the address where the accused ordinarily resides.

5. Having heard learned counsels for the parties and on perusing the records this Court finds no ground to quash the impugned order dated 20th October, 2015 passed by the learned Metropolitan Magistrate in FIR No. 37/2014 registered at PS Dwarka North declaring the petitioner as a proclaimed offender.

6. Petition is dismissed.

MUKTA GUPTA, J.

MAY 12, 2017
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