

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

(i) CRM No.M-16140 of 2017 (O&M)

Krishan Kumar Mawai and another

...Petitioners

VERSUS

State of Haryana and another

...Respondents

(ii) CRM No.M-19429 of 2017 (O&M)

Hem Singh Bharana and another

...Petitioners

VERSUS

State of Haryana and another

...Respondents

Date of Decision: September 25, 2018

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.N.S.Shekhawat, Advocate
for the petitioners.

Mr.C.S.Bakshi, Addl. Advocate General, Haryana
for the respondent-State.

Mr.Pawan Girdhar, Advocate
for respondent No.2.

INDERJIT SINGH, J.

Both the above-mentioned cases are taken up together as these
have arisen from same criminal complaint.

Petitioners have filed these petitions under Section 482 Cr.P.C.

for quashing of orders dated 18.04.2016 and 18.05.2016 passed by learned Special Environment Court, Faridabad, whereby the petitioners were declared as proclaimed persons and all subsequent proceedings arising therefrom.

Notice of motion was issued. Learned State counsel as well as learned counsel for the complainant appeared and contested the petitions.

Learned counsel for the petitioners argued that petitioners have never been served personally in the complaint case. The summons were sent on wrong address. The proclamation was also issued on the wrong address. He further argued that petitioners Krishan Kumar Mawai and Narain Veer Singh have already resigned from the company much earlier to the filing of the complaint. He next contended that when the proclamation was issued, the factory was running at Delhi, which has already changed the place and no proclamation has been issued at Delhi, as per record. To support his arguments, learned counsel for the petitioners has placed on record relevant documents.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

From the perusal of the record, especially the documents placed on record, I find merit in the present petitions. The petitioners have never been served in the complaint case nor they were knowing about the proceedings. No notice was sent on their correct address. Rather, perusal of the record shows that there are some reports on the summons and warrants that they are not residing at the given address. There is nothing on the record to show that petitioners have ever avoided service intentionally.

Further, the petitioners have already appeared before the Court and have

been released on bail. The orders declaring the petitioners proclaimed persons have now become infructuous.

In view of the above facts that proclamation has been issued on wrong address and warrants/summons have also been sent on wrong address, I find that the orders declaring the petitioners as proclaimed persons, are not as per law and the same are set aside.

Resultantly, finding merit in both the petitions, the same are allowed. The orders dated 18.04.2016 and 18.05.2016 passed by learned Special Environment Court, Faridabad and all the subsequent proceedings arising thereof, are hereby quashed.

September 25, 2018
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No