

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

CRM-M-25027-2018

Date of Decision:11.09.2018

K.K. Automotive Pvt. Ltd. and another ... Petitioners

Vs.

State of Haryana and another ... Respondents

CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present : Mr. Rohan Mittal, Advocate
for the petitioners.

Mr. Aashish Sanghi, A.A.G. Haryana.

Mr. Vipul Dharmani, Advocate
for respondent No.2.

P.B. BAJANTHRI J. (Oral)

In the instant petition, petitioner has sought for quashing of impugned order dated 29.09.2017 (Annexure P-3) passed by JMIC, Faridabad in complaint No.NACT 4266/2015 dated 17.09.2015 whereby the petitioner has been declared as proclaimed offender so also for quashing of the FIR No.0653 of 2017 registered under Section 174-A of IPC at Police Station Sector 31, Faridabad (Annexure P-4).

2. Learned counsel for the petitioner submitted that proclaimed proceedings drawn by the JMIC, Faridabad is not in accordance with law for the reasons that before completion of 30 days, proceedings was taken into consideration which is contrary to the following decisions passed in CRM-M-13638-2013 titled as **Ashok Kumar versus State of Haryana and another**, decided on 5th August, 2013, CRM-M-5928-2017 titled as **Abhishek alias Abhishek Sharma versus State of Punjab**, decided on May 01, 2017, CRM-M-1866-2017 titled as **Avtar Singh versus State of Punjab and another**, decided on 08.03.2017 and CRM-M-42740-2016 titled as **Satinderpal Aujla @ Satinder Singh versus State of Punjab and**

another, decided on 23.01.2017. FIR No.653/2017 is out come of proclamation order dated 29.9.2017 is liable to be quashed on the basis of above decision.

3. Perusal of the record shows that proclamation was published on 29.8.2017 and date of appearance of the petitioner was notified as 27.9.2017 which is clear violation of statutory provision and period of 30 days is not complete in this case.

4. In view of the law laid down in the aforesaid decisions, order dated 29.09.2017 (Annexure P-3) passed by JMIC, Faridabad in complaint No.NACT 4266/2015 dated 17.09.2015 whereby the petitioner has been declared as proclaimed offender and consequential proceedings i.e. FIR No.0653 of 2017 registered under Section 174-A of IPC at Police Station Sector 31, Faridabad (Annexure P-4) are quashed.

5. Petition stands allowed.

6. At this juncture, learned counsel for the parties submitted that petitioner is stated to have paid disputed amount of Rs.1,39,000/- which is not disputed by the complainant.

11.09.2018
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**