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

+ CRL.M.C. 3955/2018

PREMJIT SINGH Petitioner

Through: Mr. K.D. Saini, Adv.

versus

THE COMMISSIONER OF POLICE Respondent

Through: Mr. Izhar Ahmad, APP for State with
SI Bajrang, P.S. Karol Bagh.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

% **07.08.2018**

Learned counsel for the petitioner submits that petitioner is 65 years old and suffering from Cancer. He is a resident of United States of America (USA). Marriage between the petitioner and complainant has already been dissolved by a decree of divorce by mutual consent dated 11th July, 1985 passed by the Additional District Judge, Delhi in HMA Case No. 367 of 1985. After three years of dissolution of marriage, complainant filed a complaint against the petitioner and his parents before the Crime Against Women Cell on 28th July, 1988 wherein USA address of petitioner was given. In para 11 of the complaint, complainant alleged that petitioner had left for USA on 29th July, 1985 and had never visited India, inasmuch as, he did not write any letter to her. Learned counsel further submits that complainant also filed a Suit no. 630/1987 in the court of Sub-Judge, Delhi

wherein also she had given petitioner's USA address. However, in the charge-sheet Delhi address of petitioner was given by the Investigating Officer where petitioner was not residing. Petitioner did not receive any summons/warrants issued by the court as he was in USA all throughout. It is submitted that petitioner's relatives, who were named as accused in the charge-sheet, have already been discharged. However, petitioner was declared proclaimed offender as he did not appear in court; being unaware of the proceedings. Statement of complainant under Section 299 Cr.P.C was recorded and thereafter file was consigned to Record Room by the trial court.

As per the petitioner, everything was done behind the back of petitioner. Relevant documents have been annexed with this petition under Section 482 Cr.P.C. and have been perused which clearly shows that in the complaint USA address was given. In the suit filed in the year 1987, USA address of petitioner was given. Subsequently, in the charge-sheet one Delhi address was given.

For the foregoing reasons, I am of the view that petitioner was declared proclaimed offender without having been served. Accordingly, order whereby petitioner was declared proclaimed offender is set aside.

Petitioner shall now appear before the concerned Metropolitan Magistrate,
Delhi on 13th August, 2018.

Petition is disposed of in the above terms. Miscellaneous applications
are disposed of as infructuous.

Dasti.

A.K. PATHAK, J.

AUGUST 07, 2018
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