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

+ CRL.M.C. 4646/2015 & CRL.M.A. 16650/2015

MANU KUMARAN

..... Petitioner

Through: Mr. Shri Singh & Ms. Shuchi
Dwivedi, Advocates

versus

STATE (GOVERNMENT OF NCT) OF DELHI & ANR

..... Respondents

Through: Mr. Akshai Malik, APP for the State.
Ms. Radhika Arora, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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03.08.2018

The petition at hand was filed invoking the inherent jurisdiction of this Court under Sections 482 and 483 of the Code of Criminal Procedure, 1973 (Cr.P.C), to seek quashing of the proceedings arising out of FIR No. 3/2006 of police station Chankya Puri (EOW) involving offences punishable under Sections 406/420/120B of Indian Penal Code, 1860 (IPC) registered at the instance of the second respondent through its director Soheli Chawla, some of the orders passed in that context including the order dated 04.01.2014 whereby the petitioner was declared proclaimed offender after publication of proclamation under Section 82 Cr.P.C. and return of the attachment warrant under Section 83 Cr.P.C. as well as order dated 09.11.2015 whereby the application for compounding of offence under

Section 320 (2) Cr.P.C. was declined. The learned counsel for the petitioner submits that the petitioner had been arrested in Trivandrum (Kerala) and since he had been declared proclaimed offender, as per his submissions, without he being aware of the earlier process, he had come to this Court with the present petition.

It is pointed out, by order dated 16.11.2015, the proceedings in the case before the Chief Metropolitan Magistrate, Delhi were stayed, which order has continued to operate till date, it having been extended from time to time. The counsel for the petitioner further submits that the second respondent, the complainant of the case, is now agreeable to compound the offence and move a joint application in the trial court under Section 320 (2) Cr.P.C.

On the basis of above submission, the counsel for the petitioner submits, on instructions, that he may be permitted to withdraw the present petition and instead be given liberty to appear before the trial court with appropriate application for release on regular bail and also for compounding of the offence in which the second respondent hopefully would also join him, his only apprehension being that in the face of the earlier order declaring him as a proclaimed offender, he might be taken in custody. Thus, he seeks protection of the interim orders to continue till the date to be fixed by this Court for his appearance before the Chief Metropolitan Magistrate.

The petition under Sections 482 and 483 Cr.P.C. is dismissed as withdrawn. The petitioner will not be arrested pursuant to the order declaring him proclaimed offender in the aforementioned case till 27.08.2018 when he shall be obliged to appear in person, with counsel,

before the Chief Metropolitan Magistrate. On that date, he will have the liberty to move an application for being released on regular bail in the case from which the present proceedings arise. He would also have the liberty to move an application under Section 320 Cr.P.C, as is the possibility of the second respondent also joining him. The Chief Metropolitan Magistrate shall consider both such applications in accordance with law.

R.K.GAUBA, J.

AUGUST 03, 2018

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