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IN THE HIGH COURT OF DELHI AT NEW DELHI

Decided on:- 18th July, 2018

+ CRL.M.C. 4669/2015 and Crl. M.A. 16746/2015 and
5230/2017

MOLLY KAPOOR & ANR

..... Petitioners

Through: Mr. Aman Vachher, Mr. Ashutosh
Dubey, Mr. Abhishek Chauhan and Mr.
Arun Nagar, Advocates

versus

**THE STATE GOVT OF NCT OF DELHI
& ANR**

..... Respondents

Through: Mr. Ashish Dutta, APP for the
State with SI Amit Mann, PS Defence
Colony
Mr. G.S. Narula and Mr. Mohsin Sarwar,
Advocates for R-2

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER (ORAL)

1. This petition was filed praying for quashing of the proceedings under Sections 82 and 83 of the Code of Criminal Procedure, 1973 (Cr. PC) invoking the inherent jurisdiction of this court under Section 482 Cr. PC whereby a challenge is brought to the orders dated 16.12.2014 and 25.04.2015 of the court of the Metropolitan Magistrate in terms of which the petitioners were declared proclaimed offenders in the context of FIR no.349/2014 involving offences punishable

under Sections 420, 467, 468, 471 read with Section 120 B of Indian Penal Code, 1860 of police station Greater Kailash-1.

2. The prime contention urged in the petition has been that the petitioners were never served with the summons. The learned Additional Public Prosecutor, on instructions, submitted that the investigation into the case in question has been concluded and a report under Section 173 of the Cr. PC submitted in the court of Metropolitan Magistrate on 14.07.2016, the petitioners having been shown as proclaimed offenders in the said proceedings. It is clear from the impugned order that the petitioners had failed to respond to the notices issued by the investigating agency having approached the Metropolitan Magistrate seeking duress process to be issued. The said process not having secured their presence, it led to proceedings under Sections 82 and 83 of the Code of Criminal Procedure, 1973 being initiated. It may be added that during the course of the said process, property no.E-406, Second Floor, Greater Kailash, Part-I, was also attached under Section 83 Cr. PC.

3. The petitioners, knowing full well about the pendency of the said criminal case have not appeared in the proceedings before the criminal court till date even though the present petition has been pending since November 2015.

4. On 07.01.2016, it was submitted on behalf of the petitioners that the matter had been settled with the complainant. As per the police case, the complainants include Kanwaljeet Singh Luthra and Sumanjit Kaur, Poonam Sharma and S.C. Jain. The said parties are present in

the context of connected criminal miscellaneous petitions also filed under Section 482 Cr. PC listed separately today and the counsel on their behalf submit that the dispute has not been settled with their respective clients till date.

5. There is no error, illegality or irregularity in the impugned order declaring the petitioners as proclaimed offenders in the aforementioned case. There is no just or sufficient explanation as to why despite full knowledge of the pendency of such proceedings they have failed to appear before the concerned court till date.

6. The petition and the applications filed therewith are, therefore, dismissed.

R.K.GAUBA, J.

JULY 18, 2018

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