

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-20347 of 2018

.....

Date of decision:16.01.2019

Vinod Sirohi

.....Petitioner

v.

State of Haryana

.....Respondent

....

Present: Mr. Sandeep Kotla, Advocate for the petitioner.

Mr. Tanuj Sharma, Assistant Advocate General, Haryana
for the respondent-State.

.....

Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.0625 dated 21.11.2017 (Annexure-P.1) registered for the offence under Section 174-A IPC at Police Station City Fatehabad, District Fatehabad and order dated 21.12.2016 (Annexure-P.3) passed by learned D/CJM, Fatehabad and other consequential proceedings arising out of the same FIR.

Notice of motion was issued in this case.

Mr. Tanuj Sharma, learned Assistant Advocate General, Haryana has put in appearance on behalf of the respondent-State and contested this petition.

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

From the record, I find that the FIR has been registered for the offence under Section 174-A IPC as the petitioner has not appeared on the specified time, date and place before the Court as per the proclamation issued by the Court under Section 82 Cr.P.C. The necessary ingredients for the offence under Section 174-A IPC are that proclamation has been issued asking the accused to appear before the Court on specific time, date and place and when he does not appear before the Court, the offence under Section 174-A IPC is made out.

In the present case, the learned counsel for the petitioner admitted that proclamation has been issued. Learned counsel for the petitioner argued that the petitioner was never served in the proclamation proceedings nor he was residing or working at the place. As per Section 82 Cr.P.C., the publication is to be issued by way of 'Munadi' by fixing notice on Notice Board of the Court and also by affixation. In the present case, the publication has been published as per provisions of Section 82 Cr.P.C. Otherwise also, proclamation is issued when the Court is satisfied that the accused is absconding or concealing himself to evade the process of law despite the warrants issued against him.

Keeping in view the above facts whether the petitioner has knowledge or has not knowledge of the proceedings, this is a finding of fact, which is to be given by the learned trial Court on the basis of evidence. At this stage, in no way, there is any ground for quashing of the FIR as the proceedings initiated against the petitioner are not the abuse of process of law or amount to injustice.

Therefore, I find no merit in this petition and the same is

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dismissed.

January 16, 2019.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No