

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

CRM-M-27872-2016

Date of decision: March 19, 2019

Hoshiyar Singh

....Petitioner

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. P.S. Dhaliwal, Advocate
for the petitioner.

Mr. Arun Kumar, AAG, Haryana.

RAJ SHEKHAR ATTRI, J.(ORAL)

This is a petition filed under Section 482 of Code of Criminal Procedure for quashing of order dated 30.10.2008 passed by learned Judicial Magistrate Ist Class, Fatehabad (Annexure P-5) vide which petitioner was declared proclaimed offender.

In fact, petitioner-Hoshiyar Singh had married with the prosecutrix. Both resided together as husband and wife and a child was born from this relation. The birth certificate of the child is placed on record as Annexure P-3 which transpires that she was born on 25.08.2013.

It has been submitted that petitioner and his wife started residing together in Madhya Pradesh but notice was issued against the petitioner at the Haryana address, therefore, he was not properly served. The provisions of Section 82 Cr.P.C. has not been complied with.

Consequently, this petition is accepted and impugned order dated 30.10.2008 passed by learned Judicial Magistrate Ist Class,

Fatehabad (Annexure P-5) is not sustainable in the eyes of law and the same is hereby *set aside*.

(RAJ SHEKHAR ATTRI)
JUDGE

March 19, 2019
m. sharma

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