

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

CRM-M-2998-2017 (O&M)

Date of decision: February 04, 2019

Nitin Kumar

....Petitioner

Versus

State of UT Chandigarh and another

....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Abhinav Aggarwal, Advocate
for the petitioner.

Ms. Ashima Mor, APP, UT Chandigarh.

Mr. Raman Mahajan, Advocate
for respondent No.2.

RAJ SHEKHAR ATTRI, J.(ORAL)

CRM-14367-2017

Learned counsel for the applicant/petitioner does not press the
present application at this stage.

Dismissed being not pressed.

CRM-M-2998-2017

Through present petition filed under Section 482 of Code of
Criminal Procedure, petitioner is seeking quashing of FIR No.153 dated
02.07.2011, under Sections 406, 498-A of the Indian Penal Code, registered at
Police Station Sector-19, Chandigarh and order dated 16.08.2013 passed by
learned Judicial Magistrate Ist Class, Chandigarh whereby petitioner has been
declared proclaimed person and all other consequential proceedings arising
therefrom.

It has been submitted that petitioner was not in India at the time
of declaring him as proclaimed offender. Now compromise has already been
effected. Apart from it, he has joined the proceedings and appearing on each
and every date before the learned trial court.

In this view of the matter, order dated 16.08.2013 is not sustainable in the eyes of law as proper procedure has not been adopted. Consequently, this petition is accepted to this extent and order dated 16.08.2013 (Annexure P-2) passed by learned Judicial Magistrate Ist Class, Chandigarh is *set aside*.

However, petitioner has already challenged the FIR in CRM-M-356-2019, therefore, the matter of quashing of the FIR shall be considered in that case.

(RAJ SHEKHAR ATTRI)
JUDGE

February 04, 2019
m. sharma

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