

CRM-M No.45400-2018

1

202

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.45400-2018

Date of Decision: 28.03.2019

Sunita Sangwan

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present Mr. Sushil Sheoran, Advocate for the petitioner.
Mr. Yashwinder Singh, DAG, Haryana.

MAHABIR SINGH SINDHU, J (ORAL)

Present petition has been filed under Section 482 of the Code of Criminal Procedure (for short 'Cr.P.C') for quashing of FIR No.464 dated 31.07.2018, under Section 174-A of Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Bhiwani City, District Bhiwani, order dated 23.05.2018, whereby learned Judicial Magistrate Ist Class, Bhiwani declared the petitioner as proclaimed person in criminal complaint COMA/828/2017 dated 11.07.2017 and subsequent proceedings arising therefrom.

It is contended by learned counsel for the petitioner that petitioner was declared as proclaimed offender during the criminal proceedings pending in criminal complaint COMA/828/2017 dated 11.07.2017 filed by one Subhash Kumar under Section 138 of the Negotiable Instruments Act, 1881 (for short 'NI Act'). Further contended that after settlement of the dispute, complaint has been dismissed as

withdrawn, but during the pendency of the said complaint, petitioner was declared as proclaimed offender despite the fact that she was serving in Govt. Girls Sr.Sec. School, Charkhi Dadri and residing there, whereas in the complaint her address is mentioned as village and Post Office, Kher Bura, District Charkhi Dadri, Haryana, therefore, there was no proper service and impugned order dated 23.05.2018 as well as consequent FIR No. 464 dated 31.07.2018, under Section 174-A IPC are liable to be quashed.

Learned State counsel has opposed the contention and submitted that since the petitioner has been declared as proclaimed person and as such FIR has rightly been registered, thus, the present petition is liable to be dismissed.

Heard both sides and perused the paper book.

Undisputedly, main complaint filed by Subhash Kumar has already been closed as the matter has been amicably settled between the parties and thus, the pendency of the present proceedings arising out of FIR No.464 dated 31.07.2018, under Section 174-A IPC, registered at Police Station Bhiwani City, District Bhiwani would not serve any purpose, rather the same is wastage of valuable time of learned trial Court which can be utilized for a better cause of the suffering litigants.

Still further, the address of the petitioner has been shown of some village, but as claimed in the petition that at the relevant time, she was residing at Charkhi Dadri and there is no denial of this fact, therefore, there was no proper service and being non compliance of the provisions of Section 82(2)(i) Cr.P.C, the impugned order dated 23.05.2018 is not legally sustainable.

Consequently, impugned order dated 23.05.2018, whereby learned Judicial Magistrate Ist Class, Bhiwani declared the petitioner as proclaimed person in criminal complaint COMA/828/2017 dated 11.07.2017, FIR No.464 dated 31.07.2018, under Section 174-A IPC, registered at Police Station Bhiwani City, District Bhiwani, and consequent proceedings arising therefrom are hereby quashed.

Allowed, in the aforesaid terms.

28.03.2019	(MAHABIR SINGH SINDHU)
mamta	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No