

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

115) CRM no.24101 of 2020 in/and
CRM-M-28508 of 2020
Date of Decision: 29.09.2020
Vivek Rai ...Petitioner
Versus
State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. G.S. Sawhney, Advocate, for the petitioner.
Mr. Rana Harjasdeep Singh, DAG, Punjab

Amol Rattan Singh, J. (Oral)

All the cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

By this petition, filed under the provisions of Section 482 of the Cr.P.C., the petitioner seeks quashing of the impugned order dated 31.08.2015 (Annexure P-8), passed by the learned Chief Judicial Magistrate, Amritsar, whereby the petitioner has been declared to be a proclaimed person in FIR no.16 dated 10.11.2014, registered at Police Station Womens' Cell, Amritsar, alleging therein the commission of an offence punishable under the provisions of Section 498A of the IPC.

On September 18, 2020, the following order had been passed:-

“All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

Learned counsel for the petitioner submits that the petitioner went abroad in December, 2014, with him having been declared a proclaimed person/proclaimed offender on August, 31, 2015.

He submits that though the FIR was registered on 10.11.2014, alleging therein the commission of an offence punishable under Section

498- A of the IPC, the petitioner never came to know of the FIR, he being a resident of Jalandhar.

Though it is very difficult to believe that the husband did not know of the FIR lodged by the wife against him and then thereafter went abroad about one month later, however, since the proceedings under Section 82 of the Cr.P.C. are stated to have been initiated on May 30, 2015, when the petitioner was still abroad, though he is stated to have come to India for a short while in the year 2018, when his father was sick, without making any further comment on the actual merits of the case, notice of motion is issued, with Mr.Pawan Sharda, Sr.DAG, Punjab, accepting notice on behalf of respondent no.1, at the asking of the court.

Adjourned to 02.11.2020.

A gazetted officer is directed to file a reply to the petition well before the next date of hearing.

The petitioner is also directed to place on record, at least one week before the next date of hearing, by filing an appropriate application in the Registry, a copy of his passport showing therein all pages, specifically those which are stamped by the immigration department, as regards his entry to and exit from India since November, 2014, till date.”

It is to be noticed here that in fact at the time of hearing of the petition on that date, the last paragraph of the order was not dictated, but when the matter came up to me editing/signing, that paragraph was added just simply to determine as to when the petitioner entered into and exited from India.

Today, by way of the present application, i.e. CRM no.24101 of 2020, learned counsel submits that the petitioner no longer wishes to pursue the present petition.

The application is allowed, with the accompanying petition dismissed as withdrawn.

29.09.2020
vcgarg

(AMOL RATTAN SINGH)
JUDGE