

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

CRM-M-39742 of 2020

DATE OF DECISION :- December 01, 2020

Mohit Verma

...Petitioner

Versus

Punjab National Bank and another

...Respondents

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. Dharam Bir Bhargav, Advocate for the petitioner.

Mr. Gaurav Goel, Advocate for respondent No. 1.

The case has been taken up through Video Conferencing.

This petition under Section 482 Cr.P.C. has been filed by petitioner Mohit Verma seeking quashing of complaint under Section 138, 141, 142 of the Negotiable Instruments Act read with Section 420 IPC in complaint No. NACT 9043 dated 6.9.2018 titled 'Punjab National Bank versus Mohit Verma' (Annexure P1) pending for 7.12.2020 before JMIC, Faridabad as well as order dated 6.9.2018 (Annexure P2) and order dated 31.8.2019 (Annexure P5) declaring the petitioner a proclaimed offender as well as subsequent proceedings.

Learned counsel for the petitioner has contended that the complaint has been filed on false and frivolous grounds, though the petitioner has availed of loan amount of Rs.7,80,000/- from the complainant bank for the purpose of purchasing Maruti Suzuki Ciaz Car on 19.1.2017, he has since returned that amount; the complainant bank obtained his signatures on blank papers as well as four blank cheques which were given as security. By

misusing those cheques, the present complaint has been filed in which the petitioner has been summoned and has been wrongly declared as a proclaimed offender. Further more, an F.I.R. for offence under Section 174A IPC has been got registered against the petitioner.

Learned counsel for the petitioner states that petitioner is ready to deposit any amount which is found due, however, I find that in view of judgment passed by a coordinate Bench in case titled 'Mehnga Singh versus State of Punjab 2002(1) CLJ (Criminal) 302' wherein it was observed that when an accused has been declared as a proclaimed offender petition against the order under Section 482 Cr.P.C. is not maintainable, the accused should first move the Court who had declared him a proclaimed offender and even an objection against validity of proclamation is required to be raised in the first instance before the Court which issued the proclamation and power under Section 482 Cr.P.C. is not to be exercised in favour of a person who is absconding or avoiding service. In that way, the petition is not maintainable. Further more, in the judgment titled 'State of Madhya Pradesh versus Pradeep Sharma 2014(1) R.C.R. (Criminal) 269' the Hon'ble Supreme Court of India has observed that when an accused is absconding and has been declared as a proclaimed offender, then such accused should not be granted anticipatory bail. Therefore, this petition is doomed for failure and is dismissed accordingly.

(H.S. MADAN)
JUDGE

December 01, 2020

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No