

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

CRM-M-41703-2020

Date of decision:11.12.2020

Namrata Saini

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Rishu Mahajan, Advocate for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition under Section 482 Cr.P.C., the petitioner

seeks quashing of order dated 17.08.2020 (Annexure P-7) passed by Chief Judicial Magistrate, Jalandhar, whereby the petitioner has been declared a proclaimed offender in case bearing FIR No.28 dated 21.02.2020 registered under Sections 306, 34 IPC at Police Station GRP, District Jalandhar.

Learned counsel for the petitioner states that though the brother of the petitioner Harpal Singh had committed suicide and the FIR has been lodged by Avtar Kaur wife of Harpal Singh, the ingredients of Section 306 IPC are not attracted. The petitioner is a Non Resident Indian (NRI) and is residing in Canada. However, while passing the aforesaid order, the learned Magistrate did not follow the procedure prescribed for effective service upon the NRIs.

Learned counsel for the petitioner further states that video recording sent by the deceased to the petitioner indicates that even at an earlier stage also, he was threatening to commit suicide because of his

family.

In the present case, the suicide note has been found from the pocket of the deceased specifically naming the petitioner. Moreover, the petitioner has also lodged FIR No.197 dated 29.12.2019 under Sections 506,509 and 34 IPC against complainant-Avtar Kaur and her deceased husband Harpal Singh.

The petitioner cannot be allowed to evade the judicial process resulting into the criminal proceedings initiated against her coming to a halt. There being specific allegations against the petitioner in the FIR, the learned Magistrate has rightly passed the order declaring her a proclaimed offender.

Keeping in view the position explained above, there is no merit in the present petition and the same is accordingly dismissed.

11.12.2020

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(HARNARESH SINGH GILL)
JUDGE

Whether reportable?

Yes/No

Whether reasoned/speaking?

Yes/No