

Iqbal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURIPresent: Mr. Arjun Atri, Advocate
for the petitioner.

Mr. Deepak Manchanda, Addl. AG, Haryana.

Through Video Conferencing**JASGURPREET SINGH PURI, J.(ORAL)****CRM-27010-2021**

For the reasons recorded in the application, the same is allowed. Annexure P-7 is taken on record subject to all just exceptions.

Main Case

The present application has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No.472, dated 28.12.2018 under Sections 279, 336, 120-B of IPC and 3/13(1), 8/13(3) and 17 of Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 registered at Police Station Ferozepur Jhirka, District Mewat and further impugned order dated 22.01.2020 (Annexure P-3) by which the petitioner has been declared as a proclaimed person.

Learned counsel for the petitioner has submitted that the proclamation was not properly effected upon the petitioner and has referred

to Annexure P-7, which is a report and statement of the process server and has submitted that the name of the father was wrongly written as Kabudeen instead of Babuddin in the proclamation issued against the petitioner. He has submitted that the petitioner was not present there and no service was effected upon him and therefore, the order declaring him proclaimed person was bad in law.

I have heard the learned counsel for the parties.

The proclamation was made by the learned Judicial Magistrate and it was effected by following the procedure prescribed under Section 82 of the Code of Criminal Procedure. The report and statement of the process server would show that he had visited the house of the petitioner and he was told that he is a vagabond and sometimes he comes to home and therefore, a copy of the notice was pasted on the door of the petitioner's house, one copy was pasted in public place and another copy was placed on the notice board of the Court. Thereafter, vide Annexure P-3, the learned Judicial Magistrate declared him to be a proclaimed person as the period of 30 days had elapsed. Apart from the present petitioner, two more persons were declared as proclaimed persons by way of same order. The plea of the present petitioner is that he was not present and therefore, no proclamation was effected upon him in view of the fact that the procedure contained under Section 82 of Cr.P.C. was not duly complied with. No fault has been found with regard to the procedure adopted by the Court in this regard. Therefore, it cannot be said that the order of proclamation passed by the Court is erroneous or illegal.

Further argument raised by the learned counsel for the petitioner, that the name of the father of the petitioner was wrongly mentioned as Kabudeen instead of Babuddin, would not also be of any consequence in view of the fact that the name of the petitioner and the address is the same and it is not the case of the petitioner that there is some other Iqbal son of Kabudeen residing in village and it is only a typographical mistake and therefore it cannot become a ground for quashing of proclaimed person order. Further prayer was made with regard to quashing of the FIR (Annexure P-1). However, no ground is made out with regard to quashing of the FIR, therefore, there is no merit in the present petition. Consequently, the same is hereby dismissed.

(JASGURPREET SINGH PURI)
JUDGE

August 31, 2021
Manpreet

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