

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

CRM-M-28573-2021
Date of Decision: 1.9.2021

Rahul Petitioner

Versus

State of Haryana Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Vineet Chaudhary, Advocate, for the petitioner.
Mr. B.S. Virk, Deputy Advocate General, Haryana.
Mr. Shivam Chaudhary, Advocate, for the complainant.

Rajesh Bhardwaj, J. (ORAL)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

The present petition has been filed praying for quashing of proceedings under Sections 82 and 83 Cr.P.C., wherein the petitioner was declared proclaimed person vide order dated 11.9.2019 passed by the learned JMIC, Gurugram and also main FIR No.99 dated 20.11.2018 under Sections 323, 34, 354-A, 406, 498-A and 506 IPC registered at Women Police Station Manesar, Gurugram on the basis of compromise dated 12.1.2021 (Annexure P-3).

The FIR in the present case was registered by respondent No.4, Kiran, wherein she had alleged that she was married with the petitioner, Rahul Narwal on 31.10.2017. After her marriage, her husband and in-laws started mentally harassing her for demand of dowry. She was subjected to cruelty by

beating and threatening to kill due to non-fulfillment of demand of dowry. In pursuance to the same, the investigation commenced and challan presented. However, the petitioner, who is the husband did not adhere to the process of investigation by making himself available and finally, the trial Court initiated the proceedings under Sections 82 and 83 Cr.P.C. vide order dated 11.9.2019, wherein he was declared proclaimed person and thereafter, the trial commenced and is pending for further proceedings. However, for summoning the petitioner legal procedure was adopted but he never appeared before the trial Court till date. The petitioner has finally approached this Court praying for quashing of impugned order dated 11.9.2019 and also the main FIR.

Learned counsel for the petitioner has drawn the attention of this Court to the compromise arrived at between the parties, wherein the matrimonial dispute involved in the FIR, has been amicably settled. He further invites the attention of the Court to the decree of divorce dated 12.2.2021 granted to the petitioner and respondent No.4. He contends that the co-accused i.e the parents-in-law already approached this Court for quashing of the FIR on the basis of the compromise, wherein this Court had directed them for recording their statements before the concerned Duty Magistrate on 4.8.2021 and the case was adjourned to 18.11.2021. Learned counsel for the petitioner further contends that the petitioner was in Australia and was not aware of all these proceedings before the trial Court and thereafter due to ongoing pandemic Covid-19, he could not appear before the trial Court. He contends that prosecution of the petitioner would be a futile exercise and therefore, the impugned order dated 11.9.2019 and main FIR be quashed.

I have heard learned counsel for the petitioner and perused the record.

It is apparent that the FIR in question was registered on 20.11.2018, whereas the petitioner was declared proclaimed person on 11.9.2019 i.e. almost after a year. Admittedly, the parents of the petitioner and other family members, who are accused in this FIR, were at the matrimonial home in Karnal and they were duly served with the various orders. Notice dated 17.8.2020 issued by respondent No.3 i.e. the Ministry of External Affairs was also served for impounding the passport of the petitioner at the address of Karnal and thereafter, a Look Out Circular was also issued by respondent No.2 i.e. the CBI on 18.12.2019. Even if the petitioner was residing in Australia, it cannot be accepted that he was not in contact with his family members at Karnal and thus, remained ignorant about the proceedings going on against him. The other arguments advanced pertaining to Pandemic Covid-19 is also repelled as the same started from March, 2020 onwards, whereas the registration of the FIR and declaration of the petitioner as proclaimed person was well before the Pandemic Covid-19. There is no gainsaying that the compromise arrived at between the parties in matrimonial dispute is accepted by the Courts to meet the ends of justice, however, the compromise would not give any relaxation to the petitioner to evade the process of law. The petitioner had ample opportunities to appear before the Court but he evaded the same on lame excuses. On the asking of the Court whether the petitioner would make himself available before the Court concerned, if keeping in view the peculiar facts and circumstances of the case, he is considered for granting the protection from arrest, the answer was in negative. In the facts and circumstances of the present case, this Court do not find it appropriate to interfere with the impugned order declaring the petitioner as proclaimed person under Sections 82 and 83 Cr.P.C.

The petition being devoid of any merits is dismissed.

(RAJESH BHARDWAJ)
JUDGE

1.9.2021
sharmila

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No