

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

CRM-M-31228-2021

Reserved on 06.10.2021

Pronounced on 14.10.2021.

Parveen Verma

.... Petitioner

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Saurabh Kapoor, Advocate,
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

Mr. Salinder Mohan Goyal, Advocate,
for respondent No.2.

JAISHREE THAKUR.J

This is a petition that has been filed under Section 482 Cr.P.C. for quashing the order dated 30.03.2019 (Annexure P-2) passed by the learned Judicial Magistrate Ist Class, Jalandhar, vide which, the petitioner has been declared proclaimed person in FIR No.0016, dated 22.03.2018, registered under Section 498-A of IPC at Police Station Women, Jalandhar (Annexure P-1), in view of the compromise dated 26.05.2021 (Annexure P-3). The petitioner has also prayed that his statement before the learned Magistrate may be recorded through video conferencing or through his mother as Special Power of Attorney.

In brief, the facts are that the aforesaid FIR came to be registered on a complaint made by respondent No.2 against the husband (petitioner herein) and his other family members, for committing cruelty and demanding dowry. The marriage between the parties i.e. petitioner and respondent No.2 took place on 07.10.2016. It is the second marriage of both the parties. From the earlier marriage, respondent No.2 is having a son. However, from the present wedlock, there is no child. The petitioner, who has acquired Canadian citizenship, left for Canada on 02.11.2016 and thereafter, neither returned back to India nor he called for the complainant, which led to registration of present FIR. In the said proceedings, the petitioner has been declared proclaimed person by an order dated 30.03.2019. However, on 26.05.2021, the matter has been compromised between the parties and vide said compromise, the parties have decided to part their ways.

Learned counsel for the petitioner would contend that since the petitioner never came back to India after 02.11.2016 and no attempt has been made to serve him, the order dated 30.03.2019 declaring him as proclaimed person has been passed in a mechanical manner. It is argued that since the matter has been compromised and the parties have decided to part their ways, no useful purpose would be served in continuance of proceedings in the FIR.

Reply has been filed on behalf of the respondent-State whereby it has been stated that proclamation notice was got effected at the address of

the petitioner at Ludhiana and after a lapse of 30 days, petitioner was rightly declared as proclaimed offender as provided under Section 82 Cr.P.C.

I have heard learned counsel for the parties.

In the instant case, the petitioner herein has been nominated as an accused under Section 498A of IPC. It is argued that effective service was not carried out as the petitioner had left for Canada as far back as 02.11.2016 and the FIR was registered on 22.03.2018. The petitioner continues to reside in Canada and the service ought to have been effected upon him through their embassy, which has not been done. However, as per the reply of the respondent-State, the proclamation notice was issued at the address of petitioner at Ludhiana and after a period of 30 days, as per Section 82 Cr.P.C., he was declared proclaimed person.

Since the parties have compromised the matter vide which the petitioner has agreed to pay Rs.9,50,000/- as full and final settlement to the respondent No.2 and decided to part their ways by filing a petition under Section 13-B of the Hindu Marriage Act, no useful purpose would be served in continuation of the proceedings under the present FIR.

Keeping in view the fact that the petitioner who at the relevant was residing at Canada and which fact was in the knowledge of the complainant and moreover the matter has been compromised between the parties, the present petition is allowed and the order dated 30.03.2019 declaring the petitioner as proclaimed person is set aside.

However, the petitioner is directed to cause appearance before

the trial Court within a period of 2 weeks from today and on his doing so, he would be admitted to bail. The arrest of the petitioner would be stayed limited to a period of 2 weeks. In case, he does not appear before the trial Court in terms of this order, any interim protection allowed to him would be deemed to have been vacated.

Petition stands disposed of accordingly.

(JAISHREE THAKUR)
JUDGE

14.10.2021

sanjeev

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No