

IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

SANJIV KUMAR SHARMA
2021/03/27 16:26
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CRM-M-32574-2020

Date of decision : 17.3.2021

Deepak Kumar alias Deepu

..... Petitioner (s)

Versus

State of Punjab and another

..... Respondent (s)

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Dheeraj Mahajan, Advocate
for petitioner.

Mr. H.S. Sullar, DAG Punjab.

Ms. Sheenam Kamboj, Advocate for
Mr. Amit Rana, Advocate
for respondent No. 2.

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HARINDER SINGH SIDHU, J.

This is a petition filed under Section 482 Cr.P.C. for quashing of order dated 14.8.2019 (Annexure P-6) passed by learned CJM, Gurdaspur whereby petitioner has been declared as a proclaimed person.

FIR No. 190 dated 23.8.2018 has been registered against petitioner under Sections 363, 366, 120 B IPC at Police Station City Gurdaspur, Gurdaspur at the instance of father of respondent No. 2 on the allegations that petitioner had enticed his minor daughter on the pretext of marriage.

Learned counsel for petitioner states that infact the marriage of petitioner with respondent No. 2 was solemnized with the consent of respondent No. 2. Respondent No. 2 was aged about 17 ½ years at the time of marriage. Father of petitioner and others have also filed CRM-M-17379-2019 (Annexure P-9) seeking quashing of FIR. Notice of motion in that case has been issued which is now listed for hearing on 18.5.2021.

Regarding impugned order, learned counsel for petitioner has contended that order has been passed in violation of provisions of Section 82 (1) Cr.P.C. He states that proclamation (Annexure P-7) was issued on 11.7.2019 for appearance of petitioner on 19.7.2019. As per report of ASI Pawan Kumar, Police Station City Gurdaspur dated 14.7.2019, house of petitioner was found locked and

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copy of proclamation was attached on door of locked house on 14.7.2019 and munadi was conducted in the mohalla. One copy of proclamation was also attached in the public chowk.

Learned counsel for petitioner contends that the mandate of 30 days period required in terms of Section 82 (1) Cr.P.C. for appearance of petitioner after publication of proclamation was not fulfilled.

In view of aforesaid, it is clear that impugned order is not in accordance with provisions of Sections 82 (1) Cr.P.C. Accordingly, petition is allowed and impugned order (Annexure P-6) is quashed.

(HARINDER SINGH SIDHU)
JUDGE

17.3.2021
sjks

Whether reasoned order : Yes / No

Whether reportable : Yes / No