

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

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CRM-M-8416-2021

Date of decision: 23.02.2022

Raj Kumar Patel

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. G.C. Shahpuri, Advocate
for the petitioner.

Mr. Karan Sharma, DAG, Haryana
for the respondent-State.

Mr. Puran Sharma, Advocate
for the complainant

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking quashing of order dated 17.12.2012 passed by learned ACJM, Gurgaon vide which he was declared as a proclaimed offender in case FIR No.71 dated 07.02.2012 under Sections 498-A, 406, 377, 497, 506 and 120-B IPC registered at Police Station Civil Lines, Gurgaon.

Learned counsel for the petitioner inter alia contends that the FIR in question came into existence on account of a marital discord between the petitioner and his wife-Sheetal Patel. Prior to their marriage, the petitioner and the complainant wife had been residing in the U.K. where they had been in a live-in-relationship. Lateron, they came to India, solemnized their marriage on 27.02.2009 and returned back to the U.K. where, however, their marriage ran into rough weather. He submitted that it was a matter of record that the petitioner had been all along residing in the U.K. and had not even visited

India after 2009. As such, he had no knowledge much less inkling about the criminal proceedings which stood instituted against him moreso as no warrant or any proclamation was ever served upon him. Learned counsel submits that in the interregnum both the petitioner and the complainant i.e. his estranged wife resolved and amicably settled all their disputes and filed a petition for quashing of the aforementioned FIR wherein this Court had also directed them to get their respective statements recorded before the Illaqa Magistrate.

Learned State counsel while opposing the prayer and submissions made by counsel opposite, submits that no doubt the parties had amicably settled their dispute and also approached this Court by way of CRM-M-2707-2022 for quashing of the FIR in question wherein they had been directed to get their statements recorded, however, the fact remained that the petitioner had evaded the process of law for a considerable period of time and had thus been rightly declared as a proclaimed offender after due compliance of Section 82 Cr.P.C.

I have heard learned counsel for the parties and perused the relevant material placed on record.

A perusal of report of the serving police official, which has been annexed as Annexure P-8 reveals that the warrants of arrest remain un-executed upon the petitioner as he was not found in his house since he was residing in the U.K. A perusal of Annexure P-12 which is a statement of the serving constable also reveals that the proclamation could not be effected on account of the petitioner residing in U.K. The State has not been able to bring to the notice of this Court

any other process which may have been adopted by the police to effect service upon the petitioner like issuance of a Look Out Circular etc.

In the facts and circumstances as enumerated hereinabove and coupled with the fact that the parties have amicably settled their disputes and filed a petition under Section 482 Cr.P.C. for quashing of FIR No.71 dated 07.02.2012 under Sections 498-A, 406, 377, 497, 506 and 120-B IPC registered at Police Station Civil Lines, Gurgaon on the basis of compromise, the instant petition is allowed and order dated 17.12.2012 passed by learned ACJM, Gurgaon vide which the petitioner was declared as a proclaimed offender is set aside.

23.02.2022

(MANJARI NEHRU KAUL)
JUDGE

Vinay

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