

CRM-M No.11747 of 2022

Reserved on: 06.07.2022

Pronounced on: 18.07.2022

Ramanand Aggarwal

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Karan Garg, Advocate for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

ANOOP CHITKARA J.

FIR No.	Dated	Police Station	Section
11	14.01.2021	Uklana, District Hisar	174-A IPC

Seeking quashing of above mentioned FIR, which is an outcome of proclamation order Annexure P-4, the accused has come up before this court under Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.).

2. Petitioner was arraigned as an accused in the above captioned matter. On failure to serve the petitioner through the ordinary process, including summons, bailable warrants, and even non-bailable warrants, the concerned court finally proceeded against the petitioner under section 82 of Cr.P.C. and declared the petitioner a proclaimed offender vide order dated 5-6-2018.
3. In paragraph 3 of the petition, it is declared that the non-appearance was due to non-receipt of summons. Later on, after coming to know about the case, he started making efforts and negotiate the settlement, and finally the matter was settled, money paid, and receipt obtained. Statement of the complainant qua the receipt of the payment has been annexed with this petition. Vide order dated 03-03-2022, the Ld JMIC, Hisar accepted the compromise and dismissed the complaint as withdrawn. The copy of the order has been placed with the petition. The point to which the petitioner wants to draw the attention of this court is that the absence was not willful, and was due to the factors beyond the petitioner’s control. The State could not dispute the factual matrix at this stage.

4. Given the above, the petitioner has made a case on the preponderance of probability that neither any sincere attempt was made to execute the warrants nor did the petitioner have any knowledge about appearance as contemplated under section 82 Cr.P.C. Thus, the order is arbitrary and did not afford reasonable opportunity as mandated under Section 82 of Cr.P.C.

5. Consequently, the FIR mentioned above and impugned order of proclamation dated order dated 5-6-2018, passed by Id. JMIC Hisar, in this matter is quashed. Resultantly, the non-bailable warrants issued against the petitioner in the FIR captioned above, shall not be enforced. The bail bonds are discharged.

Petition allowed in the terms mentioned above. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

18.07.2022
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.