

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No. 43377 of 2019
Reserved on: 05.08.2022
Pronounced on: 18.08.2022

Parveen KumarPetitioner

Vs.

Bhupender Kumar and anotherRespondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Suneel Ranga, Advocate
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

ANOOP CHITKARA J.

FIR No.	Dated	Police Station	Sections
938	07.11.2018	Shivaji Nagar, District Gurugram	174-A IPC

Aggrieved by the registration of the FIR under Section 174-A IPC pursuant to the petitioner’s non-appearance which leads to issuance of non-bailable warrants and subsequently proclamation under Section 82 Cr.P.C, the accused/petitioner has come up before this Court.

The only grievance is that notices of complaint were sent on wrong address and as such, petitioner was not aware of the pendency of the said case.

A perusal of the address of the petitioner shows that the address mentioned on the complaint is different than the address which he has referred in the present petition and on the affidavit.

In paragraph 2 of the petition, the petitioner specifically pleads that address mentioned in FIR is incorrect. Learned counsel for the petitioner submits that the address

mentioned in the compliant was although similar but incorrect. In paragraph 4, he also submitted that the complaint is false and even no legal notice was ever served upon him. In paragraph 5, it is specifically stated that the petitioner could not be served because address was wrong. In paragraph 7, the petitioner has reproduced the report of the non-service which specifically stated that there is no Street No. 14 in Vishnu Garden.

The response of the State is that FIR has been registered based on directions of the concerned JMIC and in the response, the concerned ACP has not specifically denied the factum of incorrect address.

Given above, there is merit in the petition, the same is allowed and order dated 01.10.2018 passed by JMIC, Gurgram along with all consequential proceeding including FIR (Annxeure P-5) is quashed qua the petitioner. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

18.08.2022
Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.