

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

234-1

CRM-M-57560-2022

Date of decision:22.12.2022

Kanti Devi

... Petitioner

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Shantanu Bansal, Advocate for the petitioner.

Mr. Viney Phogat, DAG, Haryana.

SUVIR SEHGAL J. (ORAL)

Instant petition has been filed under Section 482 of Cr.P.C. for quashing of order dated 12.09.2022, Annexure P-1, whereby petitioner has been declared as proclaimed person under Section 82 (1) of Cr.P.C. in complaint case No.125 of 2017 registered under Sections 498-A, 406, 323, 506, 345, 427, 415, 419 and 420 of IPC, 1860, registered at Police Station Baldev Nagar, Amabala.

Counsel for the petitioner submits that in deference to order dated 12.12.2022, the petitioner has surrendered before the trial court and joined the proceedings and has been released on interim bail. Counsel further submits that the main complaint has, in the meantime, been withdrawn by the complainant, who appeared in person, vide order dated 16.09.2022. He has placed the certified copy of the order on the record.

Upon instructions from ASI Ajit Singh, State counsel has affirmed that the petitioner has joined the proceedings before the Court.

Objective of Section 82 of the Code is to secure the presence of the accused. Once the accused surrenders before the trial court and joins the proceedings, he can no longer will describe as an absconder and the impugned order can no longer be sustained. Moreover, the complaint stands withdrawn.

In view of the above, petition is allowed and impugned order dated 12.09.2022, Annexure P-1, declaring the petitioner as a Proclaimed Person, is set aside.

22.12.2022
sheetal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No