

**118 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-14815-2023

Date of Decision: 23.03.2023

Kanika Maiti

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. K.S. Sidhu, Sr. Advocate with
Mr. Praagbir S. Dhindsa, Advocate and
Mr. Sandeep Arora, Advocate, for the petitioner.

Rajesh Bhardwaj, J.

Prayer in the present petition is for quashing of impugned order dated 06.02.2023, passed by learned JMIC, Nabha, vide which the petitioner was declared as proclaimed person in a case FIR No.159, dated 11.11.2014, registered under Sections 406, 420, 120-B IPC, at Police Station Kotwali Nabha, District Patiala.

Learned senior counsel has *inter alia* contended that the prosecution of the petitioner in the present FIR is nothing but an abuse of the process of the Court as the matter has been amicably settled between the petitioner and the complainant. He submits that the petitioner was not duly served as per the mandate of Sections 82 and 83 Cr.P.C. He submits that declaration of the petitioner as proclaimed person is totally against the statutory provisions and settled propositions of law. He submits that the petitioner is ready to appear before the competent Court and face the trial.

Notice of motion.

Mr. Sandeep Kumar, Deputy Advocate General, Punjab.
accepts notice on behalf of the State.

Learned State counsel has opposed the submissions made by
learned counsel for the petitioner and has stated that the trial Court has

rightly declared the petitioner as proclaimed person on 06.02.2023, who remained absent without any reason.

Heard learned counsel for the parties and perused the record.

As submitted by learned senior counsel the matter has been settled between the petitioner and the complainant and the petitioner was not duly served. In these circumstances, the present petition can be disposed of today itself. As the petitioner is ready to join the proceedings and no useful purpose will be served by sending her behind the bars, rather it would be appropriate if she is directed to face the trial. So keeping in view the abovesaid contentions, the present petition is disposed of and the order dated 06.02.2023 is set aside subject to deposit of Rs.25,000/- as costs by the petitioner with the Poor Patients' Welfare Fund, PGIMER, Chandigarh within period of one week from today. The petitioner is directed to appear before the trial Court.

In case, the petitioner appears and surrenders before the Court concerned within a period of 10 days from today and files an appropriate application for bail alongwith receipt of abovesaid costs, the Court concerned would consider and decide the same within three days thereafter in accordance with law. She will have protection from arrest for a period of 10 days from today.

Needless to say that in case the petitioner fails to comply with the abovesaid direction, he will have no benefit of abovesaid protection granted by this Court

23.03.2023
sharmila

Whether Speaking/Reasoned
Whether Reportable

(RAJESH BHARDWAJ)
JUDGE

: Yes/No
: Yes/No