

301 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Neutral Citation No. 2023:PHHC:152462
CRM-M-14059-2023
Date of Decision: November 30, 2023

Divik Chhabra

...Petitioner

Versus

M/s India Infoline Housing Finance

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Vibhor Bansal, Advocate for the petitioner.

Mr. Vineet Sehgal, Advocate for the respondent.

DEEPAK GUPTA, J.(Oral)

Prayer in this petition is to quash order dated 25.04.2018 (Annexure P-18), whereby petitioner was declared proclaimed person in criminal complaint bearing NACT No.10738/2016, titled as “*M/s India Infoline Housing Finance v. Divik Chhabra*”.

Learned counsel for the petitioner contends that petitioner was never served in this case. After initial issuance of the notice, bailable warrants and warrant of arrest, proclamation was directed to be issued vide order dated 19.01.2018 for 23.03.2018. The proclamation was actually effected on 22.02.2018 as per Annexure P-16. However, no order to declare the petitioner as proclaimed person was issued on 23.03.2018 for which proclamation was actually issued. Rather the matter was adjourned by the Court and later on petitioner was declared proclaimed person on 25.04.2018 as per Annexure P-18, though on that date, i.e. 25.04.2018, there was no proclamation.

Learned counsel for the respondent could not refute the aforesaid contentions. Even otherwise from the perusal of the record itself, the violation of provisions of Section 82 Cr.P.C. is quite apparent.

Consequently, the impugned order dated 25.04.2018 (Annexure P-18) and all the subsequent proceedings qua this order stand quashed.

It is also informed by learned counsel for the petitioner that the petitioner has already surrendered before the Trial Court concerned on 01.05.2023, in compliance of the order dated 27.04.2023 and now the trial is going on. Nothing else is required to be done.

Disposed of.

November 30, 2023

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(DEEPAK GUPTA)
JUDGE

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