

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-14723-2023

Date of Decision: 27.04.2023

Sumit Kumar

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Sandeep Verma, Advocate
for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

DEEPAK GUPTA, J.

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.176 dated 25.02.2023 registered under Section 174-A of the IPC registered at Police Station Sadar Karnal, District Karnal, which is an offshoot of the order dated 07.12.2022 passed by Learned Special Environment Court, Kurukshetra declaring the petitioner as proclaimed person in Forest Offence Report No.019/332 dated 13.01.2020 under Section 33 of the Indian Forest Act, 1927 in case titled as 'State Versus Sumit Kumar'.

2. The aforesaid complaint under Section 33 of the Indian Forest Act, 1927 bearing Forest Offence Report No.019/332 dated 13.01.2020 was filed to prosecute the petitioner-accused in the Court of Learned Special Environment Court, Kurukshetra, wherein he was declared proclaimed person vide order dated 07.12.2022 and on the direction of the Court, the FIR under Section 174-A of the IPC was

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registered.

3. It is contended by learned counsel for the petitioner that in the complaint filed before Learned Special Environment Court, his address was mentioned as House No.997, Sector-6, Urban Estate, Karnal, whereas he (petitioner) has been staying at Flat No.LD-231, CHD City, Karnal for the last 8 years. All his documents like Aadhar Card, Passport and Driving License are of this address. Petitioner was never served at his address and was sought to be served at an address, on which he has not resided for the last 8 years.

4. Learned counsel for the petitioner has drawn attention towards the impugned order dated 07.12.2022 (Annexure P-7) revealing that the proclamation was sought to be effected at House No.997, Sector-6, Urban Estate, District Karnal, which is also the address mentioned in the complaint (Annexure P-1).

5. Learned counsel for the petitioner has then drawn attention towards his Aadhar Card (Annexure P-3) and passport (Annexure P-4), wherein his address is mentioned to be LD 231, Sector-45, CHD City, Karnal. The said passport was issued on this address on 07.09.2018, whereas Forest Offence Report (Annexure P-1) was lodged on 13.01.2020.

6. Learned State counsel could not refute the aforesaid factual position except that the address given in the complaint is that of the

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father of the petitioner.

7. It is the requirement of Section 82 Cr.P.C. that proclamation should be read in some conspicuous place of the town or village, in which the person, sought to be declared as proclaimed person ordinarily resides and that a copy of the proclamation is to be affixed to some conspicuous part of the house or homestead, in which such person ordinarily resides. In this case, the proclamation has apparently been affixed and petitioner was sought to be served at an address, on which he was not residing for the last several years, even prior to the filing of the complaint. Besides, impugned order dated 07.12.2022 reveals that Learned Magistrate did not record his satisfaction that the accused-petitioner had absconded or was intentionally concealing himself, thus violating the other mandatory requirement of Section 82 Cr.P.C.

8. Having regard to the aforesaid discussion, the present petition is accepted. F.I.R. No.176 dated 25.02.2023 registered under Section 174-A of the IPC registered at Police Station Sadar Karnal, District Karnal and all subsequent proceedings arising therefrom, are hereby quashed.

April 27, 2023

Neetika Tuteja

(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No