

2023:PHHC:106926

CRM No.34386 of 2023 in/and
CRM-M-18838 of 2023
Date of Decision: August 18, 2023

...Petitioner

Present:- Mr. Mayank Gupta, Advocate for the petitioner.

DEEPAK GUPTA, J.(Oral)

This is an application for placing on record copies of the various zimni orders as passed by the trial Court.

Application is allowed. Copies of the zimni orders as Annexure A.1(colly) are taken on record.

Prayer in this petition is to quash FIR No.41 dated 18.01.2022 registered at Police Station Karnal Civil Lines, District Karnal, Haryana, under Section 174-A IPC, inasmuch as petitioner was declared proclaimed person during proceedings of criminal complaint bearing No.NACT-4664-2018 titled “Axis Bank Ltd. Vs. Ram Kishan”.

Contention of learned counsel for the petitioner is that the private complaint, in which the petitioner was declared proclaimed person, has since been dismissed as withdrawn vide order dated 17.12.2022 (Annexure P.6) and, therefore, proceedings under Section 174-A IPC be quashed.

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Perusal of the zimni orders (Annexure A.1 colly) as placed on record by learned counsel, reveals that the summoning order was passed way back on 18.07.2018. Petitioner- accused was duly served for 12.11.2018 but he did not appear due to which bailable warrants, non bailable warrants and then proclamation was issued and ultimately, he was declared proclaimed person.

No doubt, the private complaint in which petitioner was declared proclaimed person has since been withdrawn but Court cannot ignore the fact that because of the absence of the petitioner despite the service, matter was delayed for a period of more than four years.

At this, learned counsel for the petitioner submits that he is ready to pay the fine before the trial Court in the proceedings under Section 174-A IPC and that necessary direction may be issued accordingly.

Since the offence under Section 174-A IPC is punishable with imprisonment or fine, when a person has been declared proclaimed person, so the trial Court concerned shall consider imposing of fine only upon the petitioner in accordance with law upon his appearance & pleading guilty.

Disposed of.

August 18, 2023

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(DEEPAK GUPTA)

JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No