

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

CRM-M-18708 of 2022 (O&M)

Date of Decision: February 15, 2023

Gurpreet Kaur ...Petitioner
Versus
State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. P.S. Jammu, Advocate for the petitioner.

Mr. R.S. Khaira, DAG, Punjab.

Mr. Rajinder Partap, Advocate for respondent No.2.

DEEPAK GUPTA, J.(Oral)

Prayer in this petition is to quash the impugned order of proclamation dated 24.03.2021 (Annexure P.5) declaring the petitioner as proclaimed person in case FIR No.215 dated 19.08.2019 registered at Police Station City Moga, under Sections 420, 406 and 120-B IPC.

Contention of the petitioner is that her marriage with respondent No.3 was performed on 01.12.2017. She left for Canada on 08.12.2017 as is evident from the copy of Visa (Annexure P.3). Till date, she has not returned from Canada. FIR in question had been lodged in her absence on 19.08.2019 whereas she has been declared proclaimed person by effecting the proclamation in India despite the fact that she was not even available in India and was residing in Canada.

Attention is also drawn towards the copy of proclamation (Annexure P.14) which reveals that the address of the petitioner was mentioned to be “Ranjit Singh Namaberdar wali gali, Dunne Ke, District Moga” which in fact is the address of her father and that in the proclamation notice itself, it is specifically mentioned that petitioner is presently residing in Canada.

It is further submitted that later on matter has been compromised amongst the parties. Copy of order dated 18.11.2022 passed in CRM No.43004 of 2022 in/and CRM-M-26896 of 2022 (O&M) passed by a co-ordinate Bench of this Court has also been placed on record revealing that FIR No.215 dated 19.08.2019 registered at Police Station City Moga, under Sections 420, 406 and 120-B IPC and all the subsequent proceedings emanating therefrom has since been quashed on the basis of compromise having effected between the parties.

In view of the aforesaid circumstances, when service of proclamation with regard to the petitioner was effected in India despite the fact that she was residing in Canada at the relevant time and also taking into account the fact that the case FIR No.215 dated 19.08.2019 registered at Police Station City Moga, under Sections 420, 406 and 120-B IPC has since been compromised, the present petition is allowed. The impugned order dated 24.03.2021 (Annexure P.5) declaring the petitioner as proclaimed person and all the subsequent proceedings arising out of the said order are hereby quashed.

February 15, 2023

renu

(DEEPAK GUPTA)

JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No