

278 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Neutral Citation No. 2023:PHHC:110239
CRM-M-19379-2023
Date of Decision: August 23, 2023

Rajat Saini

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Kshitij Bharati, Advocate for the petitioner.

Mr. Vipul Sherwal, AAG, Haryana.

DEEPAK GUPTA, J.(Oral)

On 20.04.2023, following order was passed by this Court:-

“Prayer in this petition is to quash FIR No.98, dated 26.02.2023 (Annexure P-1), registered at Police Station Sector 7, Panchkula, under Section 174-A IPC and all the subsequent proceedings arising out of said FIR.

It is contended by learned counsel for the petitioner that proclamation was ordered to be issued vide order dated 19.10.2022 for 12.12.2022. As per order dated 12.12.2022, proclamation was again directed to be issued for 20.02.2023. Attention is drawn towards statement of the Executing Constable (Annexure P-7), as per which he went to the address of the petitioner, on 19.12.2022 he came to know that the property address, mentioned in proclamation has already been sold 1-1/2 years back and petitioner has moved to some unknown destination. This report was made on 13.01.2023. Learned Court in its order dated 20.02.2023 (Annexure P-5) noted that proclamation was issued vide order dated 13.01.2023, though no proclamation was effected on that date. Besides, there is no report that proclamation was actually effected even on 19.12.2022. It is further pointed out that in its order dated 20.02.2023, no satisfaction is recorded by the Trial Court that petitioner had absconded or has intentionally concealed his absence. Apart from this, it is submitted that as the petitioner came to know about registration of FIR under Section 174-A IPC, he approached the

complainant. The matter has since been compromised. Annexure P-10 is the copy of the order dated 11.04.2023, whereby complaint No.NACT/632 of 2019, titled as “M/s Mohan Furniture Mart Pvt. Ltd. v M/s. Mars Hospitality and Retail”, in which petitioner was declared proclaimed person, stands dismissed as withdrawn.

Notice of motion.

Mr. Parveen Kumar Aggarwal, DAG, Haryana, accepts notice on behalf of respondent-State.

Adjourned to 24.07.2023 for filing status report.

Till then, no coercive action be taken against the petitioner, pursuant to declaring him as proclaimed persons or consequent to the registration of FIR in question.

In the meantime, petitioner is directed to join investigation and co-operate in the same. He will not leave the country without prior permission of the Court nor shall make any attempt to contact the complainant of the case or any witness associated with the case. In the event of the arrest of the petitioner, he shall be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.”

Today, status report has been filed by the respondent-State, which is silent as to whether the petitioner has joined the investigation in case FIR No.98, dated 26.02.2023 (Annexure P-1), registered at Police Station Sector 7, Panchkula, under Section 174-A IPC. However, as per reply, the matter in the complaint case, in which petitioner was declared proclaimed person, has already been withdrawn on account of the compromise effected between the parties on 11.04.2023, as per Annexure R-2.

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Having regard to the reasons given in the order dated 20.04.2023, inasmuch as the petitioner was not declared proclaimed person, in accordance with the procedure prescribed under Section 82 Cr.P.C., FIR No.98, dated 26.02.2023 (Annexure P-1), registered at Police Station Sector 7, Panchkula, under Section 174-A IPC, along with all the subsequent proceedings arising therefrom, are hereby quashed.

Allowed.

August 23, 2023

sarita

(DEEPAK GUPTA)
JUDGE

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