

250

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-24830-2022 (O&M)
DECIDED ON: 21st MARCH, 2023

SALIL NARAYAN @ SALIL NARAIN

PETITIONER

VERSUS

STATE OF HARYANA

RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Chirag Wadhwa, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

CRM-8677-2023

This is an application under Section 482 CR.P.C. for placing on record FIR No.1164 dated 09.06.2015 under Sections 131, 151 Electricity Act, 2003 registered at Police Station I & P Karnal and order dated 16.02.2023 as Annexures P-6 and P-7 respectively.

Application is allowed as prayed for.

Annexures P-6 and P-7 are taken on record subject to all just exceptions.

CRM-M-24830-2022

The jurisdiction of this Court under Section 482 Cr.P.C. has

been invoked for quashing of order dated 01.12.2017 (Annexure P-1) passed by learned Judge, Special Court, Karnal whereby the petitioner was declared proclaimed offender along with all subsequent proceedings arising therefrom.

Learned counsel for the petitioner contends that FIR No.1164 dated 09.06.2015 under Section 135 and 151 of Electricity Act, 2023 was got registered against the petitioner for dishonestly abstracting the electricity and therefore, the department has assessed the loss of Rs.4,29,494/- which includes assessment charge Rs.3,75,494/- and compounding fees of Rs.54,000/-. He further contends that petitioner was declared proclaimed offender vide order dated 01.12.2017 in the aforesaid FIR and a direction was issued to the concerned SHO to register a case under Section 174-A IPC against the petitioner.

Vide order dated 01.06.2022, passed by this Court the arrest of the petitioner was stayed.

The petitioner has already surrendered and is appearing before the trial Court continuously and having been granted bail wherein otherwise the mandatory provisions of Section 82 Cr.P.C., with regard to publication of proclamation was not adhered to as is evident from the fact that proclamation which was issued on 21.09.2017 and was executed on 30.10.2017 for appearance of the petitioner-accused on 31.10.2017 that is merely a one day.

This Court has already taken the view that in such eventuality continuation of proceedings in FIR No.194 dated 03.03.2022, under Section 174-A IPC, registered at Police Station I & P Karnal is an abuse of process of law wherein, in the main case when the after depositing of total

assessed amount by the petitioner . This Court after having gone through the submissions made by learned counsel for the petitioner is of the considered view that the petition deserves to be allowed and FIR No.194 is ordered to be quashed along with order dated 01.12.2017.

Ordered accordingly in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

21st MARCH, 2023

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| 1. Whether speaking/ reasoned : | Yes / No |
| 2. Whether reportable : | Yes / No |