

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

CRM-M-27507 of 2023(O&M)

Date of Decision: 29.05.2023

Ranjan Kumar Das

...Petitioner

Versus

State of Haryana

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. Ravi Malik, Advocate
For the petitioner.**

Ms. Harpreet Kaur, AAG Haryana.

KARAMJIT SINGH, J.

1. The present petition has been filed by the petitioner seeking quashing of the impugned order dated 22.02.2023, Annexure P-5 whereby the petitioner has been declared as proclaimed person in criminal case having FIR No.171 dated 29.08.2021, registered under Section 409 IPC at Police Station Sector-65, Gurugram.

2. The counsel for the petitioner, *inter alia*, contends that the petitioner is resident of Odisha and never received any notice, summons or warrants issued by the Court concerned and that the impugned order is not passed by the learned trial Court in conformity with the provisions of Section 82 Cr.P.C. It is further contended that the offence under Section 409 IPC is triable by the Court of Judicial Magistrate Ist Class and the petitioner is ready to join the proceedings before the learned trial Court.

3. Notice of motion.

4. Ms. Harpreet Kaur, AAG Haryana accepts notice on behalf of the State and submits that the impugned order has been passed by the learned trial Court in accordance with the provisions of Section 82 Cr.P.C. and there is no illegality in the same. However, the State counsel has not disputed the fact that FIR in this case is registered under Section 409 IPC, which is triable by the Court of Judicial Magistrate Ist Class.

5. In light of the above, without commenting on the merits of the case, as the petitioner who is resident of Odisha is ready to join the proceedings before the learned trial Court and is also ready to deposit substantial amount as a cost, the present petition is hereby allowed and the impugned order, Annexure P-5 dated 22.02.2023 is hereby set aside subject to cost of Rs.30,000/- to be deposited by the petitioner with the District Legal Services Authority, Gurugram within next 25 days.

29.05.2023

Jiten

(KARAMJIT SINGH)
JUDGE

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