

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-49894-2022 (O&M)
Reserved on: 20.04.2023
Pronounced on: 15.05.2023

Tanu Jain & another
... Petitioner(s)
Versus
State of Haryana & others
...Respondent (s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Mr. Nishant Das, Advocate and
Mr. Satyam Aneja, Advocate
for the petitioner(s).

Mr. Manish Bansal, Sr. DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
893	20.5.2019	Shivaji Nagar, Gurugram	174A IPC

Seeking quashing of aforesaid FIR, the accused has come up before this court under Section 482 of the Code of Criminal Procedure, 1973 (CrPC).

2. The accused could not be served through the ordinary process, including summons, bailable warrants, and even non-bailable warrants. The concerned court finally proceeded against the petitioner under section 82 of CrPC and declared the petitioner a proclaimed offender vide impugned order.
3. It remains undisputed that at the time proceedings under section 82 of CrPC were initiated, the petitioner had already resigned from the company. As per para 5(b) of the petition, the cheques in question were bearing dates of 15-04-2016 and 26-04-2016. A further reference to Annexure P-3 reveals that as per the Register of Directors, the petitioner Tanu Jain had already resigned from the company Maxout Infrastructure Private Limited, w.e.f. 20-09-2015. Thus, the cheques were issued after her resignation.
4. The petitioner’s explanation for non-appearance are that she was never served with process for appearance because she was not residing at the given address. The

petitioner has mentioned the address at which she was residing at the relevant point of time. The proceedings are between the Court and the accused (Petitioner) and the complainant has no locus except that the trial was being delayed. As such no response is required from the complainant in the main case, in which due to non-appearance, present FIR was lodged on the information of the concerned court. Given above, there is nothing to dispute that the petitioner had no knowledge about the notice for appearance as contemplated under section 82 CrPC. Thus, the order is arbitrary and did not afford reasonable opportunity, as mandated under Section 82 of CrPC.

5. Given above, the impugned order and consequent FIR captioned above, are quashed/set aside *qua* the petitioner.

Petition allowed in the terms mentioned above.

(ANOOP CHITKARA)
JUDGE

May 15,2023
AK

Whether speaking/reasoned	:	Yes
Whether reportable	:	No