

CRM-M-54403-2022

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-54403-2022
Reserved on: 30.01.2023
Pronounced on: 13.02.2023

Hem Singh Bharana ...Petitioner

Versus

State of Haryana and another ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Ashok Kumar Munjal, Advocate
for the petitioner.

Ms. Shubhra Singh, Addl. AG, Haryana.

ANOOP CHITKARA, J.

Complaint No.NACT-6194-2015 titled as M/s Bala Ji Carrier vs. M/s ERA Infra Engineering Ltd. and another, u/s 138 read with Sections 141 & 142 of Negotiable Instruments Act as amended upto date and under Section 420 IPC, decided on 21.10.2015
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FIR No.	Dated	Police Station	Sections
331	27.02.2022	Shivaji Nagar, Gurugram, Haryana	174-A IPC

1. Challenging the order of proclamation, passed on 03.10.2017 by JMIC, Gurgaon , due to the default in appearances before the trial court and to quash consequential FIR mentioned above, the petitioner has come up before this court under Section 482 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, and also order registration of FIR. Based on such complaint, the police registered the above-mentioned FIR against the petitioner.
3. Perusal of the petition reveals that notices were issued to the petitioner on his address i.e. Sector 52, Noida, whereas he was resident of Sector 62 Noida. Petitioner has referred to copy of FIR and even in which the address has been mentioned as Sector 52 not Sector 62.

CRM-M-54403-2022

4. Given above, the complaint which was signed by the concerned Court for registration of FIR mentions the address of the petitioner as Sector 52 and not Sector 62 which rendered corroboration of the petitioner's allegations that he was not served. Furthermore since now the petitioner has been served, there would be no justification for continuation of the proclamation order and consequent the FIR captioned above.

5. In the case's factual background, I am satisfied with the explanation offered. And there is no justification for continuing the ancillary proceedings under section 174-A IPC. Consequently, in the facts and circumstances peculiar to this case, the petition is allowed, the above captioned impugned order dated 03.10.2017 (Annexure P-4) and the FIR mentioned above (Annexure P-6), are quashed. All pending warrants stand canceled, and further proceedings quashed.

Petition allowed. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

13.02.2023
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Whether speaking/reasoned:	Yes
Whether reportable:	No.