

S. No.128

2023:PHHC:165001

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

CRM-M-56611 of 2023 (O&M)

Date of Decision:21.12.2023

Neha Padam and anotherPetitioners

Vs.

State of Punjab and anotherRespondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Rakesh Kumar, Advocate for the petitioners.

Mr. Sarabjit Singh Cheema, AAG, Punjab.

Mr. Tushar Sharma, Advocate for respondent No.2.

DEEPAK GUPTA, J. (Oral)

CRM No.51689 of 2023

This is an application for placing on record copies of the passports of the applicant/ petitioners in compliance of the order dated 09.11.2023.

Application is allowed.

Copies of passports as placed on record by the petitioners are take on record.

CRM-M-56611 of 2023

Criminal complaint (Annexure P.1) under Sections 406/420/120-B IPC and Section 138 of Negotiable Instruments Act was filed by respondent No.2 – Vishal Madan against two petitioners – Neha Padam and Raman Padam, besides one Varun Gupta, in the Court of learned Judicial Magistrate Ist Class, Jalandhar. During proceedings of that complaint, the two petitioners were declared proclaimed persons vide order dated 14.08.2017.

It is contended by learned counsel that much prior to filing of the complaint itself, petitioners had left India and shifted to UK in 2011 and have never returned.

Learned counsel for the petitioners has drawn attention towards copy of the passport of petitioner – Neha Padam revealing that she had come to India on 08.09.2011 and had left on 16.09.2011 and, thereafter, she came to India only on 03.04.2022 and not in between. Learned counsel has further drawn attention towards the copy of the passport of the petitioner – Raman Padam who had left India on 21.11.2010 and never returned. Thus neither on the date of filing of the complaint nor on the date when the petitioners were declared proclaimed persons, petitioners were in India.

Learned counsel further contends that trial proceeded against third accused Varun Gupta and he was convicted under Sections 420 and 120-B IPC vide judgment dated 30.10.2019, copy of which is Annexure P.4. Said Varun Gupta filed an appeal but during pendency of the appeal, compromise was effected between the parties. Copy of that compromise is Annexure P.5. Learned counsel contends that the compromise was effected by the complainant not only with Varun Gupta but also with both the petitioners – Raman Padam and Neha Padam through their attorneys, as is evident from copy of the compromise deed dated 04.09.2023. On the basis of this compromise, the appeal filed by Varun Gupta was accepted and the conviction recorded against him was set aside vide order dated 04.09.2023, copy of which is Annexure P.6.

Learned counsel for respondent No.2 does not dispute the fact that matter has since been compromised between the parties.

In view of all the circumstances as above, present petition is hereby accepted and the impugned order dated 14.08.2017 whereby the petitioners were declared proclaimed persons are hereby set aside. Besides, the impugned complaint No.COMI/32039/2013 Annexure P.1 and all the subsequent proceedings are hereby quashed.

December 21, 2023

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Whether Speaking/reasoned

Whether Reportable

(DEEPAK GUPTA)

JUDGE

Yes/No

Yes/No