

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

124

CRM-M-3630-2024 (O&M)
Date of Decision.:27.02.2024

Challa Siva Venkata Reddy and anotherPetitioners
Vs.

State of Haryana and anotherRespondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Anas Ahmed, Advocate
for the petitioner.

DEEPAK GUPTA, J. (ORAL)

CRM-8994-2024:

This is an application under Section 482 Cr.P.C. to place on record the copy of the proclamation notice dated 09.05.2023 as Annexure P-6.

- 2. Allowed.
- 3. Annexure P-6 is taken on record.

CRM-M-3630-2024:

- 4. By way of this petition filed under Section 482 Cr.P.C, petitioners prays to quash order dated 17.07.2023 (Annexure P-1) passed by learned JMFC, Gurugram, whereby petitioner was declared proclaimed person in a criminal complaint titled as “India Bulls Housing Finance Ltd. v. Challa Viswanath Bhargava Reddy Etc.” (filing No.23614/2018) and

consequent to which FIR No.1792 dated 28.07.2023 (Annexure P-2) under Section 174-A of the IPC was registered at Police Station Shivaji Nagar, District Gurugram. Prayer is made to quash the said FIR also.

5. With the help of various zimni orders as placed on record, learned counsel for the petitioners has contended that petitioners were never served. As per the summoning order dated 29.08.2018 (Annexure P-15), the process against the petitioners was issued. Their service was presumed due to lapse of 30 days from the date of sending the notice by registered post. Thereafter, bailable warrants and then repeated warrants of arrest were issued but none of them were served upon any of the petitioners. Learned counsel then drawn attention towards the order dated 08.05.2023, whereby proclamation under Section 82 Cr.P.C. were directed to be issued for 17.07.2023. The said proclamation was received back on 08.06.2023. After recording the statement of executing constable on that day, the petitioners were declared proclaimed person vide impugned order dated 17.07.2023. Learned counsel has then drawn attention towards proclamation (Annexure P-6), which would reveal that by way of this proclamation issued on 08.05.2023, the date of appearance/surrender for the petitioners was mentioned to be 08.06.2023 and not on 17.07.2023.

6. It is apparent from the aforesaid documents that there is clear contradiction inasmuch as Court had directed to issue the proclamation for 17.07.2023 but instead, the proclamation had been effected for 08.06.2023. There was no proclamation for 17.07.2023.

CRM-M-3630-2024 (O&M)

7. In view of the aforesaid facts and circumstances, the violation of Section 82 Cr.P.C. is clearly visible. As such, impugned order dated 17.07.2023 (Annexure P-1) and consequent FIR No.1792 dated 28.07.2023 (Annexure P-2) registered under Section 174-A of the IPC registered at Police Station Shivaji Nagar, District Gurugram and all the consequent proceedings arising therefrom are hereby quashed *qua* the petitioners.

8. It is also informed by learned counsel for the petitioners that petitioners have already surrendered on 11.10.2023 in the complaint case and were allowed bail.

Disposed of.

(DEEPAK GUPTA)
JUDGE

February 27, 2024
Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No