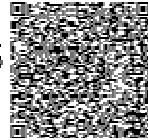


2024:PHHC:111865



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

Sr. No.261

CRM-M-5854-2024 (O&M)
Date of decision : 29.08.2024

Sahil Duggal @ Lalli

..... Petitioner

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Umesh Aggarwal, Advocate, for the petitioner.

Mr. Ravinder Singh, AAG, Punjab.

KIRTI SINGH, J. (Oral)

1. By way of the present petition filed under Section 482 prayer is for quashing of order dated 08.01.2024 passed by the learned Addl. Chief Judicial Magistrate, Amritsar vide which the petitioner has been declared as proclaimed person.

2. Learned counsel for the petitioner submits that vide order dated 02.07.2024 passed by the Court of Additional Sessions Judge Amritsar, all other six co-accused have been acquitted. He further submits that the petitioner was not aware about the pendency of the instant FIR nor any summons or warrant of arrest was ever served upon him. The petitioner is resident of House No.1761, Street No.8, Sharifpura, Amritsar, however, on the warrants and the report of the process server, neither the house number nor the locality of the petitioner has been mentioned and the mandatory provisions of Section 82 Cr.P.C. have not been followed. He further submits that compromise has also been effected between the parties in connected case viz. CRM-M-5679-2024.



3. *Per contra*, learned State counsel, has submitted that the petitioner, despite the proclamation, has failed to appear before the trial Court and has been rightly declared a proclaimed offender vide the impugned order and in addition, the petitioner is evading the process of Court which is highly deprecated on her part and in view of above, she does not deserve the concession.
4. Heard rival submissions made by the learned counsel for the parties and also gone through the case file.
5. Admittedly, the matter has been amicably settled between the parties in connected case viz. CRM-M-5679-2024. Hence, the continuation of proceedings under Section 82 Cr.P.C. is nothing but an abuse of the process of law.
6. In view of above, the present petition stands allowed and the impugned order dated 08.01.2024 passed by the learned Addl. Chief Judicial Magistrate, Amritsar is set aside/quashed **subject to payment of Rs.10,000/- to be deposited in Poor Patient Welfare Fund, PGIMER, Chandigarh within a period of one month.**

Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

29.08.2024
Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No