



CRM-M No.16075 of 2024 (O&M)

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

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CRM-M No.16075 of 2024

Date of Decision: 20.05.2024

HARJEET KAUR**.....Petitioner****Vs****STATE OF HARYANA AND ANOTHER****....Respondents****CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA**

Present: Mr. H.P.S. Ghuman, Advocate
for the petitioner.

Mr. Gurmeet Singh, Asstt. A.G., Haryana.

Mr. Lakshay Goel, Advocate and
Mr. Aseem Kumar, Advocate
for respondent No.2.

HARKESH MANUJA, J. (Oral)

[1]. By way of present petition filed under Section 482 Cr.P.C., prayer has been made for quashing of order dated 21.03.2023 passed by the Sub-Divisional Judicial Magistrate, Pehowa vide which the petitioner was declared as proclaimed person relating to FIR No.411 dated 27.08.2018 registered under Sections 406, 420, 506, 34 IPC and Sections 10 & 24 of Emigration Act, 1983 at Police Station Pehowa, District Kurukshetra.

[2]. Briefly stating, having been implicated as an accused besides three others, petitioner was admitted to bail, however later on having failed to appear before the Court concerned, she was declared as proclaimed person vide order dated 21.03.2023 passed by the Sub-Divisional Judicial Magistrate, Pehowa.



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[3]. Impugning the aforementioned order, learned counsel for the petitioner submits that declaration of the petitioner as proclaimed person was not in conformity with the mandate of Section 82 Cr.P.C., and, thus same was wholly vitiated; besides in terms of settlement having been arrived at between the parties, continuation of proceedings in pursuance of impugned order would amount to abuse of process of law.

[4]. Learned State counsel vehemently opposes the prayer made on behalf of the petitioner while submitting that the petitioner being fully conscious about the pendency of proceedings of the aforementioned FIR against her, failed to submit herself to the jurisdiction of the Court concerned resulting into his declaration as proclaimed person and, thus, the impugned order warrants no interference.

[5]. However, learned counsel representing respondent No.2/complainant supports the cause of petitioner and raises no objection if the impugned order is quashed, besides admitting the factum of compromise entered into between the parties.

[6]. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

[7]. Perusal of statement of the executants police officer, which was recorded on 22.02.2023 shows that the proclamation made on 14.02.2023 was never read out publically at some conspicuous place or the town/village in which the petitioner used to reside, and thus there was non-compliance of Section 82(2)(i)(a) Cr.P.C., while declaring the petitioner as proclaimed person. Moreover,



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the parties have already settled their dispute and petition bearing CRM-M No.16780 of 2024 seeking quashing of FIR in question on the basis compromise has also been presented before this Court followed by recording of their statements before the Trial Court in support thereof.

[8]. In view of above, once the declaration of petitioner as proclaimed person was not in consonance with the mandate of Section 82 Cr.P.C., the impugned order becomes unsustainable in law. Consequently, the present petition is allowed and the order dated 21.03.2023 passed by the Sub-Divisional Judicial Magistrate, Pehowa District Kurukshetra, declaring the petitioner as proclaimed person is set aside.

May 20, 2024
Atik

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No