

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

262

CRM-M-20974 of 2019  
Date of Decision: 06.05.2024

Inam

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Ms. Malkiat Kaur, Advocate, for  
Mr. Mohd. Arshad, Advocate for the petitioner.

Mr. Chetan Sharma, DAG, Haryana.

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SANDEEP MOUDGIL, J (ORAL)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No.229 dated 24.06.2017 under Sections 188 and 379 of the Indian Penal Code, 1860, registered at Police Station Punhana, District Nuh, Mewat (Annexure P-1) as well as the order dated 23.07.2018 passed by the trial Court, whereby, the petitioner has been declared proclaimed offender.

Learned counsel for the petitioner do not wish to press the prayer for quashing of the FIR in question and withdrew the same *qua* the said prayer with liberty to file afresh at a later stage, if so advised.

As far as prayer for quashing the order dated 23.07.2018 (Annexure P-2) under Section 82 Cr.P.C. is concerned, she contends that the petitioner was never served with any notice whatsoever and adherence to the statutory provision of 30 days and the said provisions have not been complied with.

Reference to Annexure P-2 has also been made to the attention

on the fact that the address of the petitioner, namely, Inam son of Akbar, has

been recorded in the notice of acquisition for proceedings under Section 82 Cr.P.C. in which he has been shown to be resident of Godhali, Police Station Punhana whereas in the FIR as well as actually he is resident of Village Godhula. Though the police station is the same but such discrepancy in the address/notice is material to effect service under Section 82 Cr.P.C.

Learned State counsel vehemently opposes the contention raised by learned counsel for the petitioner and prays for dismissal of the petition by stating that the said discrepancy has occurred due to typographical error.

In the light of above, merely on the assumption and surmises of the address particularly the name of a village in itself, one cannot be expected to have been served and when a categorical stand has been taken by the petitioner, he was never served by the trial Court, while issuing notice under Section 82 Cr.P.C.

In the considered view of this Court, the order dated 23.07.2018 (Annexure P-2) suffers from infirmity and illegality and therefore, the same is set aside. However, the petitioner is directed to surrender before the trial Court within a period of 10 days from today.

In case, the petitioner surrenders before the trial Court on the stipulated period and moves an application for bail, then the same shall be considered in accordance with law on that very date itself.

With the said observations, the present petition is disposed of.

**06.05.2024**

*D.Bansal*

**(SANDEEP MOUDGIL)**  
**JUDGE**

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