



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-28390-2024 (O&M)

Date of Decision: 28.11.2024

Harpreet Singh Matharu

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Piyush Sharma, Advocate for the petitioner.

Ms. Aakanksha Gupta, A.A.G., Punjab.

NIDHI GUPTA, J. (ORAL)

By way of filing the present petition under Section 482 Cr.P.C., the petitioner seeks quashing of impugned order dated 20.01.2020 (Annexure P-2), passed by the learned Judicial Magistrate 1st Class, Jalandhar declaring the petitioner as proclaimed offender in case FIR No. 45 dated 18.06.2019 (Annexure P-1) registered under Sections 406 and 498-A IPC at Police Station Women, Police Commissionerate Jalandhar, District Jalandhar.

On the last date of hearing i.e. 19.07.2024, following order was passed by this Court:-

“By way of filing the present petition under Section 482 Cr.P.C., the petitioner seeks quashing of impugned order dated 20.01.2020 (Annexure P-2), passed by the learned Judicial Magistrate Ist Class, Jalandhar declaring the petitioner as proclaimed offender in case FIR No. 45 dated 18.06.2019



(Annexure P-1) registered under Sections 406 and 498-A IPC at Police Station Women, Police Commissionerate Jalandhar, District Jalandhar.

Learned counsel for the petitioner, inter alia, submits that present FIR emanates from the matrimonial dispute between the parties. Marriage of the petitioner with Sunjeet Kaur daughter of complainant Satpal Singh (respondents No. 2 and 3 respectively in connected petitioner bearing CRM-M-19364-2023) was solemnized on 14.12.2015 in Auckland, New Zealand as both the parties were residents of Auckland. One female child was born out of the said wedlock, who is currently in the care and custody of her mother. Due to matrimonial discord, the parties could not cohabit together and started residing separately since November, 2018. Now better sense has prevailed between the parties and in order to live peacefully, parties have entered into compromise dated 02.02.2022 (Annexure P-3), according to which, both the parties have agreed not to proceed further with the FIR in question. The parties have already been granted divorce by way of mutual consent on 04.02.2021, at New Zealand. However, the present FIR was registered against the petitioner and his mother by the father of his wife who resides in India. It is submitted that the petitioner is the permanent resident of New Zealand. Even, he was not present in India at the time of registration of aforesaid FIR (Annexure P-1), nor at the time of passing of impugned order dated 20.01.2020 (Annexure P-2) declaring him as proclaimed offender. Qua illegality of impugned order dated 20.01.2020 (Annexure P-2) declaring the petitioner as proclaimed person, learned counsel submits that the learned trial



Court vide order impugned herein has wrongly declared the petitioner as proclaimed offender, without complying with the mandatory provisions of Section 82 Cr.P.C. Learned counsel for the petitioner submits that the petitioner is ready and willing to surrender before the learned trial Court to attend the trial proceedings and, therefore, requests that the impugned order dated 20.01.2020 (Annexure P-2) may be set aside.

Notice of motion.

On the asking of Court, Ms. Rishu Madan, AAG, Punjab, accepts notice on behalf of respondent-State and has not disputed the aforesaid submissions made by learned counsel for the petitioner and the factum of compromise effected between the parties.

It is pertinent to mention here that the petitioner along with his co-accused/mother has also filed a petition for quashing of FIR (Annexure P-1) bearing CRM-M-19364-2023.

I have heard learned counsel for the parties and gone through the case file.

*At this stage, reference may be made to the judgments in **Nitin Jindal vs. State of Punjab and another, 2023(1) RCR (Criminal) 364** and **Amandeep Singh and others vs. State of Punjab and another, 2018(2) Cri. CC 162**, wherein co-ordinate Benches of this Court have held that order of proclamation can be set aside, when proclamation proceedings are initiated while proclaimed offender is not in India.*

In view of the above and keeping in view the totality of the facts and circumstances of the case, but without commenting upon the merits of the case, the impugned order dated 20.01.2020 (Annexure P-2),



declaring the petitioner to be proclaimed offender and all subsequent proceedings arising therefrom are ordered to be set aside. The petitioner is directed to surrender before the learned trial Court/Duty Magistrate within a period of 01 month i.e. on or before 20.08.2024, and move an application for regular bail, which shall be considered and disposed of by the learned trial Court/Duty Magistrate on the same day, by accepting bail/surety bonds to be furnished by the petitioner to its satisfaction, subject to payment of costs of Rs.10,000/- to be deposited by the petitioner within a period of one week from today with the Punjab and Haryana High Court Lawyers' Welfare Association Fund, Chandigarh.

Adjourned to 28.11.2024.

Learned trial Court/Duty Magistrate, concerned shall send a compliance report in this regard by the next date of hearing.

To be heard along with CRM-M-19364-2023."

In compliance of order dated 19.07.2024 passed by this Court, learned Judicial Magistrate 1st Class, Jalandhar has submitted her report dated 21.11.2024 duly forwarded by the learned District and Sessions Judge, Jalandhar on 25.11.2024, which reads as under:-

"Kindly refer to the subject cited above, I have the honour to submit that vide order dated 19.07.2024 passed by the Hon'ble Punjab & Haryana High Court in aforesaid CRM-M, the petitioner was directed to deposit Rs.10,000/- in Punjab and Haryana High Court Lawyer's Welfare Association Fund, Chandigarh. In compliance of order a photocopy of the receipt qua deposit of Rs.10,000/- in



Punjab and Haryana High Court Lawyer's Welfare Association Fund, Chandigarh has been placed on record. The report as desired by the Hon'ble Court is submitted please for kind perusal."

In view of the above, nothing survives in the present petition and the same stands disposed of.

Pending application, if any, stands disposed of.

28.11.2024
Divyanshi

(NIDHI GUPTA)
JUDGE

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