

**CRM-M-47079-2024****-2-**

offender on 14.09.2016 without following the drill of Section 82 Cr.P.C. and Section 105 of Cr.P.C. as admittedly, at the time of passing of impugned order, the petitioner was in Canada and no effort was made to serve him by adopting an appropriate course and once the complaint itself has been withdrawn by respondent No.2 on 10.05.2018, thus the proclamation proceedings against the petitioner are an abuse of the process of law and it violates the right of the petitioner enshrined under Article 21 of the Constitution of India as it deprives him of his liberty under a procedure which is not reasonable and fair.

Having heard learned counsel for the petitioner and after perusing the record of the case, it transpires that the petitioner has earlier challenged the impugned order dated 10.05.2018 by filing CRM-M-23398-2018 decided on 19.09.2018, vide which, the prayer of the petitioner for quashing of the impugned order was declined, however, the petitioner was relegated to remedy to approach the trial Court by surrendering there and moving appropriate application. The petitioner has challenged the aforementioned order before the Hon'ble Supreme Court vide Special Leave to Appeal (Crl) No.412/2019 and the following order was passed:-

'Heard.

We see no reason to interfere with the impugned order passed by the High Court. The special leave petition is accordingly dismissed.

Pending applications shall also stand disposed of.'

In view of the above, once the prayer made by the petitioner seeking quashing of the impugned order dated 10.05.2018 has been dismissed by the Hon'ble Supreme Court, this Court cannot appreciate the

controversy once again and take a different view and thus, the present petition stands dismissed.

(HARPREET SINGH BRAR)
JUDGE

23.09.2024
Neha

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