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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 4897/2023 and CRL.M.A. 18684/2023
DINESH KUMAR GUPTA Petitioner
Through: Mr.Manu Sharma, Advocate
versus
STATE (NCT OF DELHI) Respondent

Through: Mr. Sanjeev Sabharwal, APP for State
with Insp. Awadhesh Kr.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
12.03.2024

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1. By way of present petition filed under Section 482 the petitioner seeks quashing/setting aside of order dated 06.12.2021 passed by the learned MM, Tis Hazari District Court (West District), Delhi whereby the petitioner was declared proclaimed offender under Section 82(4) of the CrPC.
2. Learned counsel for the petitioner submits that though the FIR was registered under Section 406/420/120B IPC, however, the chargesheet came to be filed by adding Section 174A. He submits that the proceedings initiated under Section 82 Cr.P.C. were in fact initiated at wrong address. In this regard, he has referred to the observations made in the order dated 13.10.2020 passed by the Sessions court vide which the applicant was released on bail:-

“16. The co-accused Ved Prakash Gupta was not arrested during investigation though as per the complaint there is no differentiation in the role of the accused persons so far as alleged commission of offence is concerned. The applicant/accused herein was arrested in the present case FIR after he was declared as Proclaimed Offender and perusal of



the proceedings and the process u/s 82 Cr.PC which was executed against the applicant/accused reveals that the said proceeding/proclamation was conducted at Gurgaon, Haryana and Preet Vihar, Delhi addresses whereas the applicant/accused when he joined the inquiry before the IO on 22.01.2018 and gave his statement, categorically mentioned his address to be 4108, Ashiana Complex, Bhiwadi, Rajasthan and no explanation could be given by the IO for not executing the proclamation u/s 82 Cr.PC against the applicant/accused on the aforesaid address. During the arguments, IO Inspector Awdhesh submitted that the proclamation was executed by the previous IO and therefore, he is unable to comment on this aspect.”

3. Learned counsel further submits that after being released on regular bail, the petitioner is regularly appearing before the trial court however, the consequence of the petitioner being declared PO, an LOC was opened which might be still subsisting.
4. Learned APP for the State confirms that the petitioner was indeed attempted to be served at the wrong address.
5. It is apparent that the petitioner was not served at the address which was available with the I.O. and the consequence of the petitioner being declared PO is liable to be set aside. As a necessary sequitur, the impugned order dated 06.12.2021 as well as the chargesheet filed by adding 174A against the petitioner are hereby quashed. The I.O. shall take necessary steps insofar as LOC is concerned.
6. In view of the above, the petition is disposed of.

MANOJ KUMAR OHRI, J

MARCH 12, 2024

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