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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.M.C. 6576/2023 and CRL.M.A. 24661/2023

ANIL JOSHAN

..... Petitioner

Through: Mr.Jatin Julka, Mr.Raj Shekhar,
Mr.Mritunjay Mishra, Advocates with petitioner in
person

versus

STATE OF NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Nawal Kishore Jha, APP for State
with SI Yadram Yadav

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

07.03.2024

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1. By way of present petition filed under Section 482 Cr.P.C., petitioner seeks to assail the order dated 05.09.2023 passed by the learned Additional Sessions Judge, Dwarka Courts, New Delhi in Criminal Revision No.382/2023, whereby the petitioner's challenge to the order dated 20.07.2019 and 18.12.2019 came to be dismissed.
2. Notably, the petitioner has challenged him being declared proclaimed offender by the trial court. In the present proceedings, the prayer is premised on the ground that though in the FIR, the complainant had disclosed two addresses of the petitioner i.e., near *DAV College, Professor Colony, Jalalabad*, which is statedly a city address and secondly at *Village Chacksotrain, Bandiwala, Jalalabad, Jalandhar City, Punjab*.
3. Pertinently, the complaint under Section 420 IPC came to be filed



primarily against petitioner's father as well as against the petitioner and his brother. The accused persons preferred anticipatory bail application. In the said proceedings, an MoU was entered into and statement was given to the effect that settlement had been reached and that obligations under the MoU would be fulfilled. Subsequently, petitioner's anticipatory bail application came to be dismissed on 18.03.2019, on the ground that the terms of the MoU were not honored. The petitioner challenged the said dismissal vide CRL.M.C. 3091/2019, on which notice was issued on 03.06.2019 for 31.07.2019. In between, on an application preferred by the Investigating Officer, NBWs were issued on 22.06.2019, subsequent to which, proceedings under Section 82 Cr.P.C were carried on, leading to passing of the impugned order, thereby declaring the petitioner as proclaimed offender.

4. The petitioner had also approached this Court by way of an anticipatory bail application being BAIL APPLN. 1877/2023, in which the petitioner was granted liberty to first approach the concerned court for setting aside of the impugned order. It was further directed that till the said application is not decided, the applicant be not arrested.

5. From the above factual matrix, it is discernible that before the I.O. had taken the NBWs, the petitioner had already approached this Court challenging the dismissal of his anticipatory bail application.

6. During the course of hearing, this Court has been informed that the petitioner has not been charge-sheeted for the offence under Section 420 IPC but only under Section 174A IPC. The allegations are primarily leveled against the petitioner's father who is statedly the main accused and stand released on regular bail.

7. Learned counsel for the petitioner submits that petitioner's non-



appearance was completely unintentional. He further undertakes that in case it is required, he shall join the investigation as well as appear before the trial court in case any supplementary challan is filed.

8. Considering the aforesaid, the impugned order whereby the proceedings under Section 82 Cr.P.C. were initiated and the petitioner was declared proclaimed offender is quashed. As a necessary sequitur, the chargesheet filed against the petitioner under Section 174A IPC is concerned, the same is also quashed. The same, however, shall be subject to payment of cost of Rs.25,000/- by the petitioner to be deposited with the Delhi State Legal Services Authority within a period of four weeks from today.

9. Learned APP for the State, on instructions, submits that in case the petitioner is required for investigation, an advance notice would be served on the petitioner.

10. In view of the above, the petition is disposed of alongwith the pending application.

MANOJ KUMAR OHRI, J

MARCH 7, 2024

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