



S. No.117

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-49264 of 2025

Date of Decision:05.09.2025

Ved Parkash and another

.....Petitioners

Vs.

State of Haryana and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present:- Mr. Amrainder Singh, Advocate for the petitioners.
Ms. Vasundhara Dalal Anand, Sr. DAG, Haryana.
Mr. Randeep Tanwar, Advocate for respondent No.2.

Yashvir Singh Rathor, J. (Oral)

Present petition has been instituted under Section 482 Cr.P.C/528 of BNSS, 2023 for quashing order dated 09.07.2025 (Annexure P.7) passed by learned Judicial Magistrate Ist Class, Ambala in case FIR No.276 dated 16.08.2018 registered under Sections 420 and 506 IPC at Police Station Ambala City, District Ambala vide which the petitioners have been declared as proclaimed persons and for quashing of all consequential proceedings arising therefrom.

2. Upon notice, the State Counsel as well as counsel for the complainant have appeared. Learned counsel for the parties have been heard and material placed on the file has been perused. Power of Attorney has been filed on behalf of the respondent No.2 – complainant and the same is taken on record.

3. Learned counsel for the petitioners has argued that proper procedure has not been followed while declaring the accused as Proclaimed Persons in terms of Section 82 Cr.P.C and they have been wrongly declared as Proclaimed Persons. Learned counsel has next contended that the proclamation under Section 82 Cr.P.C was ordered to be issued for 26.03.2025 vide order dated 04.12.2024 and on



26.03.2025, proclamation was received back duly served and statement of serving constable was recorded. However, it was observed that mandatory period of one month has not been lapsed and the case was adjourned to 09.07.2025 for appearance of accused, on which date, the petitioners were declared as Proclaimed Persons. Learned counsel has next contended that once proclamation had been issued for 26.03.2025 and it had not been served 30 days prior to the date fixed, i.e. 26.03.2025, the Magistrate could not have adjourned the case simplicitor for appearance of the accused on 09.07.2025. Rather, fresh proclamation should have been issued by fixing a date beyond a period of 30 days and since petitioners were declared Proclaimed Persons on 09.07.2025 and no proclamation had infact been issued for 09.07.2025, they were not aware of the proceedings and they have been wrongly declared as Proclaimed Persons on 09.07.2025. Learned counsel has next contended that the petitioners were declared as Proclaimed Persons in FIR No.276 dated 16.08.2018 registered under Sections 420 and 506 IPC at Police Station Ambala City, District Ambala and now the dispute has been settled and the matter has been compromised between the complainant – Tirlochan Singh and the petitioners – Ved Parkash and Satpal Singh and they have already instituted a petition for quashing of the FIR on the basis of compromise vide CRM-M-45755 of 2025 titled “**Ved Parkash and another Vs. State of Haryana and another**” wherein counsel for the complainant has also appeared and has admitted the factum of compromise and the proceedings under Section 82 Cr.P.C are also liable to be quashed on this score as well.

4. On the other hand, learned State Counsel has argued that the petitioners could not be served when his non-bailable warrants were issued and thereafter, proclamation under Section 82 Cr.P.C. was ordered to be issued and



they were declared Proclaimed Persons. Learned State Counsel has contended that the impugned order is well reasoned and speaking and does not call for interference and petition deserves to be dismissed.

5. A perusal of the order dated 04.12.2024 shows that proclamation was ordered to be issued for 26.03.2025 and on 26.03.2025, proclamation was received back duly served and statement of serving constable was recorded. However, it was observed that mandatory period of one month had not been lapsed and the case was adjourned to 09.07.2025 for appearance of accused. However, once proclamation had been issued for 26.03.2025 and it had not been served 30 days prior to the date fixed, i.e. 26.03.2025, the Magistrate could not have adjourned the case simplicitor for appearance of the accused on 09.07.2025. Rather, fresh proclamation should have been issued by fixing a date beyond a period of 30 days. Infact, no proclamation had been issued against the accused for 09.07.2025 on which date they were declared Proclaimed Persons. A co-ordinate Bench of this Court while deciding CRM-M-41656-2023 titled **Pardeep Kumar Vs. State of Haryana** vide judgment dated 23.08.2023 has held that once proclamation is issued, it must be set forth in the proclamation as to where and when the accused must present himself. A designated location and time must be stipulated and importantly, the specific date and time for appearance should not be less than 30 days from the date of publication of proclamation, which is missing in the present case.

6. As such, proper procedure has not been followed while declaring the petitioners as proclaimed persons and the impugned order, thus, suffers from material irregularity and illegality and the same is, thus not sustainable and is liable to be set aside.



7. Moreover, a Coordinate Bench of this Court in *CRM-M-18724-2024* titled as '**Deepak Nagpal Vs. State of Haryana**' vide order dated 20.03.2025 has held that once the main complaint case under Section 138 of NI Act has been withdrawn on account of compromise between the parties, the proceedings vide which the accused has been declared a proclaimed person are liable to be quashed. To the same effect is the law laid down by Hon'ble Supreme Court in Criminal Appeal No.4359 of 2024 titled as '**Daljit Singh Vs. State of Haryana**' decided on 02.01.2025 in which it has been held that the proceedings vide which the accused was declared a proclaimed person or the proceedings under Section 174-A of IPC which have been initiated are liable to be quashed in case, the main case is compromised between the parties. In the present case also, the parties have already entered into a compromise and a petition for quashing of FIR on the basis of compromise has already been instituted vide CRM-M-45755 of 2025 and today also, learned counsel for the complainant- Tirlochan Singh has appeared and has admitted the factum of compromise. On this score also, the order dated 09.07.2025 vide which the petitioners were declared proclaimed persons is liable to be quashed.

8. As a result of the afore-said discussion, the present petition is accepted and the impugned order dated 09.07.2025 (Annexure P.7), vide which, the petitioners were declared proclaimed persons is set aside.

9. Pending misc. applications(s), if any, shall also stand disposed of.

(Yashvir Singh Rathor)
Judge

September 05, 2025
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Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No