



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

163

CRM-M-10493-2023 (O&M)
Date of decision: 19.02.2026

Deepak Wadhwa

....Petitioner

Versus

State of Haryana and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. G.S. Bedi and Mr. Pawandeep Singh, Advocates
for the petitioner

Mr. B.S. Saroha, DAG Haryana

Mr. Pawan Girdhar, Sr. Advocate with
Ms. Manju Goyal, Advocate for respondent No.2

AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petition for quashing of complaint No.131 dated 28.05.2014 titled Haryana State Pollution Control Board vs. Deepak Wadhwa, filed under Section 15 of the Environment Protection Act, 1986 and all proceedings emanating therefrom; summoning order dated 13.08.2014, Annexure P-6, whereby the petitioner was summoned to face trial; order dated 29.04.2019, Annexure P-10, declaring him proclaimed person as well as the consequent FIR No.207 dated 27.08.2021, P.S. Bhondsi, District Gurugram, under Section 174-A IPC.

2. Learned counsel for the petitioner, on instructions, withdraws the petition regarding challenge to the compliant and summoning order, to take all pleas during the course of proceedings. However, with regard to the order declaring him proclaimed person and the FIR having been lodged under Section 174-A IPC, he submits that the same has been passed without recording



satisfaction of the petitioner absconding or concealing, as is the requirement under Section 82 Cr.P.C. He was never served in the complaint as the address mentioned therein was incorrect, a fact, which was duly mentioned in the 1st complaint filed against him, wherein he had been appearing regularly. The proclamation was pasted on his wrong address. He could not be said to be absconding or evading the process and even no finding in this regard was recorded, still he was declared proclaimed person vide order dated 29.04.2019, thus the provisions were not complied with, in letter and spirit. Thereafter, the FIR in question was registered on 27.08.2021. He is ready and willing to join the proceedings and prays that one last opportunity may be granted to him to surrender before the trial Court, in wake of which prays for quashing the FIR as well.

3. Learned State counsel as well as learned Senior Counsel submit that the order passed against the petitioner is legal and valid on account of the fact that he had absented from the proceedings before the trial Court without any just cause and the FIR was rightly registered against him.

4. Heard.

5. In **Gurbir Singh Mundi vs. State of Punjab and another**, CRM-M-49283-2021, decided on 16.12.2021, it was held that provisions of Section 82(2) Cr.PC. are to be mandatorily complied with cumulatively and not alternatively. The Court had quashed the order declaring the petitioner therein as proclaimed person on the ground that declaration was not read publicly in some conspicuous place of town or village, in which the accused ordinarily resides.

6. In **Sonu vs. State of Haryana**, 2021 (1) RCR (CrI.) 319, it was held that any non-compliance in the procedure prescribed in declaring a proclaimed person, cannot be treated as an irregularity but the same renders



such proceedings a nullity.

7. This Court in **Satish Chouhan vs. State of Punjab & Anr.**, CRM-M-3795-2023, decided on 10.02.2023, held that the proclamation served at the old address, when the accused had already sold his house long before the process was issued and had shifted elsewhere, could not be treated as due service and the mandatory provisions of Section 82 Cr.P.C. were not complied with. On those facts, the order declaring the petitioner therein as a proclaimed offender was quashed.

8. The very purpose of initiation of proclamation proceedings, is to compel and secure the presence of the accused to face trial and establish the rule of law, as also to ensure finalization of the proceedings.

9. Pertinently, the absence of the petitioner was not deliberate, but only on account of him pursuing another complaint, wherein he was appearing regularly. Moreover, he cannot be said to be absconding or evading the execution of warrant, as the proclamation was pasted at a wrong address, despite his correct one having been noted in the 1st complaint. Considering the above in light of the judgments referred to above being applicable to the instant case, coupled with his readiness and willingness to surrender and join the proceedings, this Court finds that the ends of justice would be adequately met in case one opportunity is granted to the petitioner to surrender, no prejudice shall be caused to any of the parties, rather his joining the proceedings would help in expediting the trial.

10. Once the order declaring the petitioner as proclaimed person, is vitiated due to non-compliance with Section 82 in its true intent and purpose, continuation of the proceedings in the FIR in question would amount to an abuse of the process of the Court, as the petitioner was not a wilful absconder,



rather was facing a parallel complaint, thus, the FIR under Section 174-A IPC is also liable to be quashed, in exercise of power under Section 482 CrPC.

11. In view of the afore-mentioned judgments and the facts and circumstances of the case, the impugned order dated 29.04.2019, Annexure P-10 and FIR No.207 dated 27.08.2021, registered under Section 174-A IPC at P.S. Bhondsi, District Gurugram are hereby quashed.

12. The petitioner is directed to surrender before the trial Court on or before 05.03.2026 and on doing so, he shall release him on bail subject to its satisfaction. On furnishing bail/surety bonds, he is also directed to furnish undertaking by way of an affidavit that he will appear on each and every date of hearing before the trial Court, unless specifically exempted by the Court. He shall not leave the country without prior permission of the Court. The trial Court may impose any other condition that it may deem appropriate in the facts and circumstances of the present case.

13. The petition is disposed of, with liberty as prayed for, to take all pleas before the Court concerned at the appropriate stage, in accordance with law.

14. Before parting with this order, it is made abundantly clear that in case the petitioners do not adhere to the aforesaid, the present petition shall be deemed to have been dismissed without any reference to this Court.

(AMAN CHAUDHARY)
JUDGE

19.02.2026
M.Kamra

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