



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

269

CRM-M-28038-2020 (O&M)
Date of decision: 19.03.2026

Preeti Dhilin Mehta @ Nandini Dhilin Mehta

....Petitioner

Versus

State of Haryana and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Ms. Sunieta Oja, Advocate and
Ms. Gargi Kumar, Advocate for the petitioner.

Mr. Amrik Narwal, DAG Haryana

AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petition for quashing of order dated 06.02.2013, Annexure P-1 passed by learned Judicial Magistrate Ist Class, Gurugram, whereby the petitioner was declared a proclaimed person as well as the consequent FIR No.62 dated 14.03.2023, registered at Police Station Udyog Vihar, District Gurgaon, under Section 174-A IPC.

2. Learned counsel submits that the petitioner had duly appeared in the proceedings initiated against her under Section 138 NI Act, for which, reference is made to the orders Annexures P-3 and P-5. She had availed of the remedy of challenging the complaint and summoning order along with another co-accused, whose petition came to be allowed, however that of the petitioner dismissed, it is during the said interregnum that she was unable to appear before the trial Court. Further that, no summons/warrants have ever been served as her house whose address as mentioned in the complaint, has been taken over by the



banks in SARFESI and/or insolvency proceedings, and she has shifted to some other house, whereafter she was declared a proclaimed person, leading to the registration of FIR under Section 174-A IPC, without there being any finding recorded that she is absconding or evading the process, as such provisions of Section 82 Cr.P.C., were not complied with in letter and spirit. This Court, vide order dated 17.09.2020, passed the order that no coercive steps be taken against her in pursuance of FIR case. Reference to the order dated 18.09.2025 passed by learned JMFC, Gurugram, has been made wherein she is shown to be on bail, however, her personal appearance was exempted for that particularly date only, in wake of which she prays for quashing the impugned order as well as FIR.

3. Learned State counsel submits that the trial Court has rightly passed the order and FIR lodged against the petitioner, as she did not appear before the Court and evaded the proceedings.

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. Pertinently, the absence of the petitioner was not deliberate, but only on account of her pursuing remedy before this Court. Moreover, she cannot be said to be absconding or evading the execution of warrant, as notice/warrants was sent at the address of the house which was taken over by the bank(s). She having joined the proceedings in the main complaint as per order dated 18.09.2025, can be factored to conclude that the very purpose of initiation of proclamation proceedings, that was to compel and secure her presence to face the trial and establish the rule of law, so as to ensure finalization of the proceedings, stood nonetheless achieved.

9. 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, thus, the FIR under Section 174-A IPC is also liable to be quashed, in exercise of power under Section 482 Cr.P.C.

10. This Court in **Rahul Dureja and another vs. State of Punjab** 2022 (1) R.C.R. (Criminal) 248, while following the dictum laid down in **Ashok**



Madan vs. State of Haryana and another 2020(4) RCR (Criminal) 87, had set aside the FIR registered under Section 174-A of IPC as illegal, since the petitioners therein had joined the proceedings in the complaint case under Section 138 NI Act and had even been granted the benefit of bail.

11. In view of the afore-mentioned judgments and the facts and circumstances of the case, the impugned order dated 06.02.2013, Annexure P-1 and FIR No.62 dated 14.03.2023, registered at Police Station Udyog Vihar, District Gurgaon, under Section 174-A IPC, are hereby quashed.

19.03.2026
parveen kumar

(AMAN CHAUDHARY)
JUDGE

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