

2025:PHHC:123606



**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

124

CRM-M-39657-2025 (O&M)

Date of decision: 10.09.2025

Varun Jain**...Petitioner****Versus****M/s Dhruva and Company****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Yogesh Goel, Advocate,
Ms. Manisvinee, Advocate and
Ms. Sunidhi Jain, Advocate
for the petitioner.

Ms. Jasleen Kaur, Advocate
for the respondent.

MANISHA BATRA, J. (Oral)

1. The instant petition has been filed by the petitioner under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*) for quashing of order dated 05.07.2024 (Annexure P-3), passed by the Court of learned Judicial Magistrate First Class, Ludhiana in case titled as M/s Dhruva and Company vs. Glaze Garments Ltd. etc., filed under Section 138 of the Negotiable Instruments Act, 1881, whereby the petitioner had been declared a proclaimed person.

2. The present petition has been filed by the petitioner on the grounds and it has been argued by his counsel that the petitioner has been falsely implicated in the aforementioned complaint. The matter stands compromised between the parties and the aforesaid complaint has already been dismissed as withdrawn, vide order dated 03.07.2025 (Annexure P-6). Even otherwise, the petitioner had been declared a proclaimed person without

2025:PHHC:123606



following the proper procedure prescribed in law. Hence, it is urged that the impugned order is liable to be set aside.

3. Learned counsel for the respondent has affirmed the factum of compromise having arrived at between the parties and that the complaint stands dismissed as withdrawn. She has submitted that the respondent has no objection if the present petition is allowed.

4. After hearing learned counsel for the parties and going through the material placed on record, it is evident that in pursuance of a compromise effected between the parties, the aforesaid complaint stands dismissed as withdrawn. Even otherwise, on going through the statement of the serving police official, it is revealed that the proclamation was not publicly read over in some conspicuous place of the town or village in which the petitioner was supposed to be residing. As per Section 84 (2) of BNSS (*which is pari materia with Section 82(2) of Cr.P.C.*) for publication, the proclamation has to be first publicly read in some conspicuous place of the town or village in which the accused ordinarily resides; then the same has to be affixed to some conspicuous part of the house or homestead in which the accused ordinarily resides or to some conspicuous place of such town or village and thereafter a copy of the proclamation has to be affixed to some conspicuous part of the Court-house. The three sub-clauses (a)-(c) in Section 82 (2)(i) of the Cr.P.C. are conjunctive and not disjunctive, which means that there would be no valid publication of the proclamation unless all the three modes of publication are proved. Reliance in this regard can be placed upon *Pawan Kumar Gupta Vs. The State of W.B. : 1973 CriLJ 1368.*

2025:PHHC:123606



5. Accordingly, in view of the discussion as made above and also in view of the ratio of law as laid down in above cited authorities, the present petition is allowed and the impugned order dated 05.07.2024 (Annexure P-3), passed by the Court of learned Judicial Magistrate First Class, Ludhiana in case titled as M/s Dhruva and Company vs. Glaze Garments Ltd. etc., filed under Section 138 of the Negotiable Instruments Act, 1881, whereby the petitioner had been declared a proclaimed person, is quashed with all consequential proceedings arising therefrom.

10.09.2025*Waseem Ansari***(MANISHA BATRA)
JUDGE***Whether speaking/reasoned**Yes/No**Whether reportable**Yes/No*