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

CRM-M-31037-2016

Date of decision:15.11.2016

Manjeet Kumar

... Petitioner

versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Ashok Kumar Khunger, Advocate,
for the petitioner.

Mr. P.S. Madahar, AAG, Punjab,
for respondent No.1.

None for respondent No.2.

HARI PAL VERMA, J.(*Oral*)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.176 dated 08.08.2016 under Section 174-A IPC, registered at Police Station City-I, Abohar on the basis of compromise dated 18.08.2016 (Annexure P/4).

Learned counsel for the petitioner states that the petitioner was declared proclaimed offender vide order dated 06.08.2016 passed by learned Sub Divisional Judicial Magistrate Abohar and the present FIR has been registered on 08.08.2016. However, immediately when the petitioner was declared proclaimed offender, petitioner approached this Court seeking quashing of PO order. Therefore, the proceedings initiated under Section 174-A IPC are liable to the quashed.

On the other hand, learned State counsel submits that since the petitioner was declared PO, the FIR has rightly been registered against him.

Heard, learned counsel for the parties.

The record reveals that a compromise dated 18.08.2016 has been entered into between the petitioner-accused and the complainant-Krishan Lal. As per compromise, with the intervention of panchayat and respectable persons, the entire cheque amount has been received by the complainant and nothing is outstanding against the petitioner. The order dated 06.08.2016 passed by learned Sub Divisional Judicial Magistrate Abohar is based on the fact that in a complaint titled as Krishan Lal Versus Manjeet Kumar, petitioner was declared proclaimed person and immediately after two days i.e. on 08.08.2016, FIR was registered against the petitioner qua PO proceedings. The petitioner has sought for quashing of PO order under Section 482 Cr.P.C. in CRM-M-31188-2016 titled as Manjeet Kumar Versus Krishan Lal wherein vide order dated 05.09.2016, this Court has directed that in case petitioner surrenders before the trial Court, he shall be admitted on bail on furnishing fresh bail bonds and surety bonds subject to the satisfaction of trial Court. Pursuant to above order dated 05.09.2016 passed by this Court, petitioner has surrendered before the trial Court and the trial Court has admitted him on bail and further, once the parties have entered into a compromise, continuance of proceedings under Section 174-A IPC, will be futility. Therefore, this Court feels that the present FIR is liable to be set aside.

As per compromise, the matter has been settled between parties. On account of non-appearance, petitioner was declared PO, but thereafter, he has surrendered before the trial Court though on the directions

of this Court. Once the petitioner has surrendered before the trial Court and the parties have entered into compromise, the very purpose of registration of FIR is not sustainable. Therefore, the FIR No.176 dated 08.08.2016 under Section 174-A IPC, registered at Police Station City-I, Abohar qua the petitioner is quashed.

Accordingly, the present petition is allowed.

(HARI PAL VERMA)
JUDGE

15.11.2016
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No