

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

CRM No. M-42252 of 2014

Date of decision: 29.04.2016

Tarun Arora

...Petitioner

Versus

State of Haryana

...Respondent

CORAM :- HON'BLE MR. JUSTICE HARI PAL VERMA

1. *Whether reporters of local newspapers may be allowed to see judgment?*
2. *To be referred to reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Present: Mr. Munish Mittal, Advocate
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

HARI PAL VERMA, J. (Oral)

Prayer in the instant petition filed under Section 482 of the Cr.P.C. is for quashing of FIR No. 1032 dated 12.11.2014 for offence under Section 174-A IPC, registered at Police Station Karnal City, District Karnal (Annexure P-2).

Learned counsel for the petitioner contends that petitioner was having business transactions with the complainant, namely Rajesh Puri who filed a complaint under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter referred to as 'the Act') against the petitioner. The petitioner was granted bail by the learned Judicial Magistrate 1st Class, Karnal on 01.03.2008 in the said complaint case. However, during the pendency of the complaint, the matter was compromised between the parties and the petitioner has paid entire outstanding amount to the complainant-Rajesh Puri, who assured the petitioner that

he will withdraw the complaint filed against the petitioner. He submits that due to the bonafide belief that the complaint has since been withdrawn by the complainant, the petitioner did not appear before the learned Magistrate, which resulted in passing of order dated 12.04.2010, declaring the petitioner as proclaimed offender. The petitioner challenged the order dated 12.04.2010, declaring him as proclaimed offender before this Court in **Criminal Miscellaneous No. M-36934 of 2014** titled as '*Tarun Arora Vs. State of Haryana and another*' wherein at the time of issuance of notice of motion, the operation of order dated 12.04.2010 was stayed and petitioner was directed to deposit an amount of Rs.3 lacs with the Registrar of this Court vide order dated 30.10.2014. Again vide order dated 11.12.2014, the petitioner was directed to pay another amount of Rs.1 lacs towards the interest to the respondent-complainant and ultimately the matter was settled and said petition was disposed of as having been rendered infructuous vide order dated 23.02.2015.

Learned counsel for the petitioner further submits that during the pendency of the aforesaid petition (**CRM-M-36934 of 2014**) on a complaint filed by the complainant-Rajesh Puri, the FIR in question was registered against the petitioner. He submits that as the matter between the parties has been settled and the petitioner has paid entire outstanding amount along with interest to the complainant, the FIR in question is liable to be quashed.

The learned State counsel on the other hand has vehemently argued that for the majesty of law to prevail, the FIR in question should not be quashed.

Heard.

Since the complaint in question as well as PO order dated 12.04.2010 has already been quashed, the continuation of the instant FIR is nothing but abuse of process of law.

In view of the above, the present petition is allowed and the FIR No. 1032 dated 12.11.2014 for offence under Section 174-A IPC, registered at Police Station Karnal City, District Karnal (Annexure P-2) is quashed subject to the petitioner depositing an amount of Rs.10,000/- with the Old Age Home, Sector 15 Chandigarh.

The petitioner is directed to deposit the above amount with the Old Age Home, Sector 15, Chandigarh within one month from today and deposit the receipt with the Registry of this Court. In case petitioner fails to deposit the amount within the time stipulated above, the instant petition shall be deemed to be dismissed in toto.

Registry to put up the file for compliance on 31.05.2016.

April 29, 2016
ANJAL

[HARI PAL VERMA]
JUDGE