

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

205

CRM-M No.19098 of 2017

Date of Decision: May 23rd, 2018

Xtreme Perfumes and Personal Care Pvt. Ltd.

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Sanjeev Kr. Panwar, Advocate
for the petitioner.

Mr. Kuldeep Sharma, Deputy Advocate General, Haryana.

None for respondent No.2.

AUGUSTINE GEORGE MASIH, J. (ORAL)

It is the contention of learned counsel for the petitioner that after the receipt of the full and final payment, complainant-respondent No.2 has given a statement before the Daily Lok Adalat, Gurgaon, on 22.03.2017 that he does not want to continue with the proceedings and the present case. On the basis of the statement of the complainant, complaint was ordered to be dismissed as withdrawn but the order dated 12.12.2016 (Annexure P-2) declaring the petitioner as proclaimed offender still subsists. He contends that the petitioner was never served in this case and, therefore, was not aware of the proceedings before the Court below. In any case, he states that since the dispute between the parties has amicably resolved and complaint has been withdrawn by the complainant, the interest of justice would be duly served if the impugned order dated 12.12.2016 passed by the learned Judicial Magistrate Ist Class, Gurgaon, is set aside.

None has put in appearance on behalf of respondent No.2, which obviously is expected as he does not want to pursue the complaint

In the light of the fact that the dispute has come to an end which has been amicably resolved, the interest of justice would be duly served by setting aside the order dated 12.12.2016 without going into the merits of the same.

In view of the above, the present petition is allowed.

Impugned order dated 12.12.2016 (Annexure P-2) passed by the Judicial Magistrate Ist Class, Gurgaon, is hereby set aside.

May 23rd, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No