

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

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CRM-M-2253-2018 (O&M)
Decided on : 13.08.2018

Gopal Khandelwal and another

...Petitioners

Versus

State of Haryana and another

. ..Respondents

CORAM : HON'BLE MR. JUSTICE P.B.BAJANTHRI

Present : Mr.Mohit Garg, Advocate for the petitioners.

Mr. Manish Dadwal, AAG, Haryana.

Ms. Sona Kaur, Advocate for
Mr. Ashish Yadav, Advocate for
the complainant-respondent No.2.

P.B.BAJANTHRI, J. (ORAL)

In the instant petition, petitioners are seeking quashing of FIR No.172 dated 22.03.2017 under Sections 174-A IPC registered at Police Station Model Town, Rewari, District Rewari (Annexure P-3) and order dated 09.03.2017 vide which petitioners were declared as Proclaimed persons passed in complaint No. 30 of 2016 dated 18.03.2016 titled as ***M/s M.S.Metals versus Khandelwal Caps and Closures.***

2. Learned counsel for the petitioners submitted that complaint was filed under Section 138/142 of Negotiable Instruments Act. In the complaint proceedings, petitioners are stated to have been declared as Proclaimed persons on 19.03.2017. Thereafter, FIR was filed under Section 174-A of IPC on 22.03.2017. When things stood thus, petitioner has settled dues of the complainant on 27.12.2017. Thereafter, complaint was

withdrawn by the complainant on 02.01.2018. In view of these facts and circumstances, he seeks for abovementioned relief.

3. On the other hand, learned State counsel resisted the petitioners' contention on the ground that the present FIR was due to non-compliance to the court order and due to the act and conduct of the petitioners. There is no ground for quashing the FIR. However, learned counsel for respondent No.2 endorse his no objection to the quashing of FIR.

4. Heard the learned counsel for the parties.

5. No doubt, petitioners have settled the claim of the complainant and complainant has withdrawn the complaint. At the same time, one cannot ignore the fact that petitioners have disobeyed the court order and they have been declare as Proclaimed Offender on 09.03.2017. Thereafter, FIR No.172 dated 22.03.2017 under Sections 174-A IPC registered at Police Station Model Town, Rewari, District Rewari was registered. For disobeing the court orders parties are not entitled for relief. However, having regard to the above facts and circumstances, that petitioners and complainant have entered into compromise and complaint has been withdrawn and the order dated 09.03.2017 has already been merged with the final order dated 02.01.2018 and what remains i.e. consequential order dated 09.03.2017 and FIR No. 172 dated 22.03.2017. It is nothing but harassing court in passing order of proclaimed offender as well as filing of FIR much pain has been taken by the State-respondent due to the conduct of the petitioners. In view of these facts and circumstances, the petition is allowed and FIR No.172 dated 22.03.2017 under Sections 174-A IPC registered at Police Station Model Town, Rewari, District Rewari and all

consequential proceedings arising there from, are hereby quashed against the petitioners subject to payment of litigation cost of Rs.10,000/- by each of the petitioner to State of Haryana. Cost shall be remitted in the Treasury, State of Haryana within a period of 3 months from today.

(P.B. BAJANTHRI)
JUDGE

13.08.2018

pooja saini

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No