

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

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**CRM-M-45697 of 2017 (O&M)
Date of Decision:- 15.05.2018**

Jaswinder Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

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

Present: Mr. Deepak Aggarwal, Advocate for the petitioners.

Mr. R.K.Doon, AAG, Haryana.

P.B. BAJANTHRI, J.(ORAL)

In the instant petition, petitioner has sought for quashing of FIR No. 164 dated 18.08.2017 under Section 174-A IPC, registered at Police Station Sadar Ambala. Pursuant to the complaint case relating to Negotiable Instruments Act wherein petitioner is stated to have not co-operated in the proceedings. Consequently, he was declared as Proclaimed Offender person on 01.04.2017. Learned counsel for the petitioner submitted that petitioner and Ranjit Singh/complainant in the criminal complaint No. 176 of 2015 entered into a compromise and he withdrew his complaint before the National Lok Adalat on 09.09.2017. In view of these developments, FIR No. 164 dated 18.08.2017 do not survive for consideration.

2. Learned State counsel has no objection to the same.
3. Heard the learned counsel for the parties.
4. In view of the compromise entered into between the parties on 09.09.2017 and withdrawal of complaint before the National Lok Adalat no doubt the order dated 01.04.2017 has gone into and merged with the order

dated 09.09.2017. What remains is only the consequences of that order i.e. FIR No. 164 dated 18.08.2017 filed under Section 174-A IPC. Present FIR is related to the petitioner's conduct in not obeying the court directions consequently, he has been declared Proclaimed Offender person. Learned State counsel failed to apprise that the accused person was properly served in complaint No. 176 of 2015 and he had ample opportunity to appear before the court. Until the fact regarding proper service of the accused and disobedience by him is not established, he could not be prosecuted. Accused filed this petition on 21.11.2017 after registration of FIR on 18.08.2017 from which it appear that he was not served properly if the authority made efforts to arrest him before passing order dated 01.04.2017, he could appear before court as case was pending for service from 2015. In FIR they reached to petitioner's door step within few days meaning thereby petitioner was residing at his given address. Therefore, the service upon petitioner in complaint case was defective insofar as order dated 01.04.2017. Therefore, petition is allowed in view of compromise among parties and FIR No.164 dated 18.08.2017 under Sections 174-A IPC registered at Police Station Sadar Ambala, and all consequential proceedings arising therefrom, are hereby quashed.

5. Petitioner is liable to pay litigation cost of Rs.5000/- to State of Haryana within a period of 2 months from today. Cost shall be deposited in District Legal Service Authority, Ambala, State of Haryana.

15.05.2018

pooja saini

**(P.B.BAJANTHRI)
JUDGE**

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No