

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

118+258

CRM No.5343 of 2018 and
CRM-M No.4758 of 2018

Date of Decision: February 16th, 2018

Satpal Singh

.....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. S.S. Rangi, Advocate
for the petitioner.

Mr. Dhruv Dayal, Senior Deputy Advocate General, Punjab,
for respondent No.1.

Mr. J.S. Chahal, Advocate
for respondent No.2.

AUGUSTINE GEORGE MASIH, J. (ORAL)

CRM No.5343 of 2018

Prayer in this application is for placing on record reply of
respondent No.2 by way of affidavit.

Application is allowed subject to just exceptions.

Reply of respondent No.2 is taken on record.

CRM-M No.4758 of 2018

The present petition has been filed for quashing of the order
dated 02.07.2012 (Annexure P-5) passed by the Judicial Magistrate
Ist Class, Fatehgarh Sahib, whereby the petitioner was declared a
proclaimed offender in complaint No.76-T dated 06.06.2008/24.04.2012
and all consequential proceedings arising therefrom.

It is the contention of learned counsel for the petitioner that the
petitioner, who lives in France, was not aware of the proceedings having

been initiated against him. He further states that when he came to know about the said fact he approached the complainant and paid off the cheque amount which is the subject matter of the complaint initiated by respondent No.2 Satnam Singh son of Bhupinder Singh. In the light of the fact that the payment had been received by the complainant, he had appeared before the Sub Divisional Judicial Magistrate, Khamanon, on 14.11.2017 and made a statement that he had filed the above numbered complaint which was initiated by him under Section 138 of the Negotiable Instruments Act relating to cheque No.397420 dated 30.10.2007 of ₹10,50,000/-. The said amount has been received by him from petitioner Satpal Singh and, therefore, he does not want to take action against him and wants to withdraw the complaint as there is no dispute now with the petitioner. Copy of the said statement dated 14.11.2017 recorded by the Sub Divisional Judicial Magistrate, Khamanon, is attached as Annexure P-2. He thereafter referred to the order dated 09.12.2017 (Annexure P-3) passed by the Presiding Officer, National Lok Adalat, Khamanon, whereby in the light of the statement given by the complainant, the complaint was ordered to be dismissed as withdrawn being compromised and consigned to record. He states that despite the complaint having been withdrawn, the proclamation issued qua the petitioner still exists and, therefore, he prays that once the matter has been amicably settled and the complainant having no dispute with the petitioner and has also withdrawn the complaint which also has been permitted to be so done by the competent Court, the impugned order dated 02.07.2012 (Annexure P-5)

be set aside.

Counsel for respondent No.2, with reference to the reply which has been filed in Court today, supports the assertion of the counsel for the petitioner and states that the complainant has indeed withdrawn the complaint and has no objection in case the order impugned is set aside.

Keeping in view the above facts and circumstances, as have been narrated which are duly supported by the orders which has been passed by the competent Court from time to time, the present petition is allowed.

Order dated 02.07.2012 (Annexure P-5) passed by the Judicial Magistrate Ist Class, Fatehgarh Sahib, declaring the petitioner a proclaimed offender, is hereby set aside.

February 16th, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No