

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44261-2016 (O&M)

Date of decision:18.01.2019

Dharwinder Singh

.....Petitioner

versus

State of Punjab and another

....Respondents

CORAM: Hon'ble Mr. Justice Kuldip Singh

Present: Mr. Sandeep Arora, Advocate for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

Kuldip Singh, J. (Oral)

Petitioner seeks quashing of FIR No.175 dated 08.06.2016 (Annexure P-3), under Section 174-A of Indian Penal Code, registered at Police Station New Baradari, Jalandhar along with all consequential proceedings on the basis of compromise.

Petitioner was summoned in a complaint instituted on 10.06.2015 (Annexure P-1) under Section 138 of Negotiable Instruments Act titled as ***Buta Singh vs. Dharwinder Singh***. Petitioner did not appear and ultimately proclamation under Section 82 Cr.P.C. was issued. Despite proclamation, he did not appear and declared proclaimed absconder and consequently on the orders of the Court, present FIR No.175 dated 08.06.2016 (Annexure P-3), under Section 174-A of Indian Penal Code, was registered at Police Station New Baradari, Jalandhar.

I have heard learned counsel for the parties and carefully gone through the file.

Learned counsel for the petitioner states that on coming to know about the petitioner being declared proclaimed absconder, he immediately put in appearance before the Court and effected compromise with the complainant. He paid the cheque amount of Rs.1,50,000/- to the complainant and the complaint was withdrawn vide order dated 06.10.2016 (Annexure P-4). It is stated that the petitioner-accused did not know about the pendency of the complaint therefore he could not appear. However, this Court finds that it is not possible that only on being declared proclaimed absconder, the petitioner came to know about the pendency of the complaint. Therefore, there is nothing to dispute that despite order of the Court, petitioner did not appear despite being duly served. However, considering that the matter has already been compromised between the parties and it was bailable offence, the continuation of proceedings will be nothing but wastage of time of the Court, particularly, when the petitioner is ready to pay necessary compensation to the State/District Legal Services Authority for the time and energy used in issuing and effecting the process. As such, FIR No.175 dated 08.06.2016 (Annexure P-3), under Section 174-A of Indian Penal Code, registered at Police Station New Baradari, Jalandhar along with all consequential proceedings, is quashed qua the petitioner, subject to the condition that the petitioner would deposit Rs.25,000/- in the District Legal Aid Fund, Jalandhar within 30 days from today. However, if the petitioner fails to deposit the said amount, the present petition is deemed to have been dismissed.

(KULDIP SINGH)
JUDGE

18.01.2019

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Whether speaking/ reasoned:

Yes

Whether Reportable:

No