

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

**CRM-M- 29593-2019(O&M)
Date of Order:16.07.2019**

Davinder Singh

..Petitioner

Versus

State of Punjab and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sunil Agnihotri, Advocate, for the petitioner.

ANIL KSHETARPAL, J(Oral)

Present petition under Section 482 of the Code of Criminal Procedure has been filed for quashing of order dated 01.02.2013 (Annexure P-6), passed by Sub Divisional Judicial Magistrate, Mukerian , declaring the petitioner as proclaimed person.

Learned counsel for the petitioner submits that the petitioner shifted to UK in 2010 and the summoning order was passed on 08.07.2011 and in fact no sincere efforts were made to serve the petitioner. He further submits that the parties have in fact settled their dispute and prayer for quashing of the complaint has been made in CRM-M-28580-2019, in which parties have been directed to appear before the trial Court to record their statements in terms of the compromise/settlement.

Mr. Vishal Munjal, Advocate, has put in appearance on behalf of respondent no.2, the complainant. He submits that he has no objection, if the order declaring the petitioner proclaimed person is set aside.

On the request of the Court, Mr. Bhupender Beniwal, AAG, Punjab, who appears for the State of Punjab has agreed to assist.

Keeping in view the facts and circumstances of the present case

and the alleged settlement between the parties, it is considered appropriate to set aside the order dated 01.02.2013 (Annexure P-6) with the condition that the petitioner would appear before the trial Court on 22.07.2016 as directed in the order dated 09.07.2019 passed in CRM-M-28580-2019. The petitioner will also file an undertaking that in case the settlement does not mature, he would not leave the country and continue appearing before the trial Court.

Disposed of accordingly.

July 16, 2019
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No