

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

(Heard through VC)

CRM-M-31794 of 2020 (O&M)
Date of Decision: December 14, 2020

Surender Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Pawan Attri, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, AAG Haryana.

Mr. Saurabh Bhardwaj, Advocate
for respondent No.2.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of order dated 14.10.2019 (Annexure P-1) passed by JMIC, Kurukshetra, declaring him a proclaimed person in NACT Complaint No.265 dated 20.02.2018 (Annexure P-2) which has already been withdrawn by respondent No.2 and the subsequent proceedings arising therefrom.

A complaint under Section 138 of the Negotiable Instruments Act had been filed by respondent No.2 against the petitioner. The matter in that case has been amicably compromised between the parties and they have resolved their disputes and differences and the complaint was withdrawn.

The following orders were passed by the Coordinate Bench of this court on 08.10.2020:

“All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

By this petition, the petitioner seeks quashing of the impugned order dated 14.10.2019 (Annexure P-1) passed by JMIC, Kurukshetra, in Complaint No. 265 of 2018, dated 20.02.2018 and subsequent proceedings arising therefrom.

Learned counsel for the petitioner points to the order of the trial court dated 09.03.2020 (copy Annexure P-4), to submit that the complaint filed by respondent no.2 herein, already stood withdrawn and consequently, the proceedings under Section 174-A of the IPC, may also be quashed.

Though obviously proceedings under Section 174-A arise out of non-compliance of court orders and therefore is a separate cause of action altogether, yet, since the complaint out of which those proceedings arise already stands withdrawn, in my opinion it would be pointless to continue with the proceedings under Section 174-A of the Act, especially looking at the burden of cases that all courts are facing.

Consequently, notice of motion is issued, with Mr.Deepak Bhardwaj, DAG, Haryana, accepting notice on behalf of respondent no.1.

A copy of the petition be handed to him during the course of the day.

Respondent no.2 be served by way of normal process.

Adjourned to 14.12.2020.

In the meanwhile, the petitioner as also an authorised representative of respondent no.2, would appear before the learned Area Magistrate/trial Court (as the case may be) up to 16.11.2020, to record their statements, and would thereafter send its report to this Court, before the next date of hearing.

That Court would also verify whether there is any other person involved in the occurrence, who is not a party to the present petition and whose consent for the compromise would be required, if this Court comes to the conclusion that the FIR sought to be quashed can be so quashed.

The learned State counsel would also verify whether there are any other criminal cases, of like nature or otherwise, pending against the petitioner.

In the meanwhile, operation of the impugned order

shall remain stayed till the next date of hearing.”

Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before the trial court/Illaq Magistrate for getting their statements recorded in support of the compromise. In pursuance of the direction, a report has been received from Judicial Magistrate Ist Class at Kurukshetra, stating that the compromise arrived at between the parties is without any pressure or coercion from anyone and the same is genuine one.

Learned State counsel admits to the factum of compromise and submits that in case the parties have indeed settled their dispute, the State would have no objection to the quashing of the impugned order and the proceedings initiated under Section 174-A of Indian Penal Code in view of the law laid down by the Hon'ble Supreme Court.

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

In a decision, based on compromise, none of the parties is a loser. Rather, a compromise not only brings peace and harmony between the parties to a dispute, but also restores tranquility in the society. After considering the nature of offences allegedly committed and the fact that both the parties have amicably settled their dispute, continuance of criminal prosecution would be an exercise in futility, as the chances of ultimate conviction are bleak.

Consequently, keeping in view the fact that the dispute has been amicably settled and in view of the law laid down by the Hon'ble Supreme Court in **Narinder Singh and others vs. State of Punjab and**

another, (2014) 6 SCC 466, this petition is allowed and order dated 14.10.2019 (Annexure P-1) passed by JMIC, Kurukshetra, declaring the petitioner as a proclaimed person in NACT Complaint No.265 dated 20.02.2018 (Annexure P-2) along with proceedings initiated under Section 174-A of Indian Penal Code and all the subsequent proceedings arising out of the same are quashed qua the petitioner herein.

December 14, 2020
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No