

In the High Court of Punjab and Haryana at Chandigarh

**CRM-M No. 6736 of 2021
Date of Decision: 26.2.2021**

Sunil Rishi

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Keshav Pratap Singh, Advocate
for the petitioner.

Mr. Ashok Singh Chaudhary, Addl. A.G., Haryana

Mr. Sandeep Goyal, Advocate
for respondent No. 2.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

This is a petition under Section 482 Cr.P.C. for quashing of the order dated 15.9.2017 (Annexure P-6), vide which the petitioner was declared a proclaimed person and further for quashing of FIR No. 290 dated 17.2.2020 registered under Section 174-A IPC, Police Station Baldev Nagar, District Ambala (Annexure P-7) and all the consequential proceedings arising therefrom.

Mr. Sandeep Goyal, Advocate has put in appearance on behalf of respondent No. 2 and has filed power of attorney, through e-mail, which is taken on record.

Learned counsel for the petitioner submits that respondent No. 2 had filed a complaint under Section 138 of the Negotiable Instruments Act, 1881 (for short 'the Act') against the petitioner. Later, the said

complaint was referred to the Lok Adalat, where the matter was settled and accordingly, an award was passed on 12.8.2016. He further submits that it was during the execution proceedings, the warrants were issued against the petitioner and ultimately, he was declared a proclaimed person vide order dated 15.9.2017 (Annexure P-6). Learned counsel further submits that the award passed by the Lok Adalat is at par with the Civil Court decree. He has placed reliance on the judgment passed by the Apex Court in '**K.N. Govindan Kutty Menon versus C.D. Shaji 2012 (2) SCC 51**'. Learned counsel yet further submits that the entire amount as mentioned in the award, has since been paid by the petitioner to the complainant-respondent No. 2.

Learned counsel for respondent No. 2 has not disputed the fact that the amount in question has been paid to complainant-respondent No. 2 and nothing is due towards the petitioner.

I have heard the learned counsel for the parties.

As noticed above, the petitioner has already paid the entire amount subject matter of the award, to the complainant. The said position stands duly admitted by the learned counsel for complainant-respondent No. 2. As there exists no dispute between the petitioner and complainant-respondent No. 2, continuing with the proceedings under Section 174-A IPC, which had emanated from the non-compliance of the award passed by the Lok Adalat, would be nothing, but a futile exercise. Still further, it was during the execution of the award, the non-appearance of the petitioner had resulted into him being declared as proclaimed person. However, as noticed above, the awarded amount stands paid and thus, the coercive method, adopted for securing the presence of the petitioner during execution

proceedings, cannot be allowed to continue in the form of the proceedings under Section 174-A IPC.

Keeping in view the above, the petition is allowed. The order dated 15.9.2017 (Annexure P-6) as well as FIR No. 290 dated 17.2.2020 registered under Section 174-A IPC, Police Station Baldev Nagar, District Ambala (Annexure P-7) and all the consequential proceedings arising therefrom, are quashed.

(HARNARESH SINGH GILL)
JUDGE

February 26, 2021
Gurpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No