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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.31688 of 2021 (O&M)

Date of decision: 29.09.2021

Sandeep Chauhan

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Ganesh Chand Sharma, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

CRM-32186-2021

Prayer in this application is for amending the prayer clause and headnote of the main petition and for placing on record some documents.

Heard.

Allowed as prayed for and the FIR No.62/2021 registered under Section 174-A IPC at Police Station Faridabad Central, District Faridabad along with the copy of the receipt of Rs.2.00 lacs are taken on record, subject to all just exceptions.

The Registry is also directed to make necessary addition/amendment in the headnote and prayer clause of the main petition by adding relief of quashing of FIR No.62/2021 registered under Section 174-A IPC at Police Station Faridabad Central, District Faridabad.

CRM-M-31688-2021 (O&M)

Prayer in this petition is for quashing the proceedings in CHI-582-2003 arising out of FIR No.988/2002 dated 28.12.2002 registered under Section 379 IPC at Police Station Central Faridabad, District Faridabad and for quashing of FIR No.62/2021 registered under Section 174-A IPC at Police Station Faridabad Central, District Faridabad.

The operative part of the order dated 23.08.2021, passed by this Court, reads as under:-

“Counsel for the petitioner has argued that the FIR was registered at the instance of Ravi Chaudhary regarding a theft. It is further submitted that the petitioner was not named in the FIR, however, he was later on nominated. It is also submitted that the petitioner was later on granted bail by the trial Court, however, he found a job in Abu Dhabi (UAE), he joined Group-III Engineering and left India without the permission of the Court. Thereafter, vide order dated 05.06.2010, arrest warrants were issued against him. It is further argued that in the meantime, a compromise was effected between the accused and the complainant before the Lok Adalat and the following order was passed:-

“File taken up today in the Lok Adalat. Complainant as well as accused have made their separate statement on 15.9.11 that they have voluntarily compromised the matter with their own sweet will and without any pressure or coercion.

Heard. As the offence punishable under section 411 IPC is compoundable in nature. Hence, in view of the statement made by the complainant as well as accused on 15.9.11, necessary permission to compound the offence under section 411 IPC is granted, under section 320(8) Cr.P.C. and the accused Ravi is acquitted of the charge framed against him. His bail bonds as well as surety bonds are discharged. File be consigned to the record

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room after due compliance. However a note be given on the file itself that the same shall not be destroyed as the co-accused Sandeep is proclaimed offender in this case.”

Counsel for the petitioner has further submitted that since the petitioner was declared a proclaimed offender, he could not be discharged, though the co-accused Neeraj was acquitted of the charges (though his name is wrongly mentioned as Ravi as he was the complainant). It is further argued that in view of the fact that the matter has already been compromised between the parties and one of the co-accused of the petitioner has already been acquitted of the charge in view of the compromise, no purpose will be served by putting the petitioner on trial.

On a Court query, whether the compromise was effected with the petitioner also, counsel for the petitioner has referred to the application filed by Ravi Chaudhary for compounding of the offence qua the accused persons as he has compromised the matter. This was followed by his statement recorded by the trial Court on 15.09.2011, in which he has specifically stated that he has entered into settlement with the accused persons and the same is done without any pressure or coercion and he do not want to pursue any proceeding against the accused persons. It is further submitted that later on, the petitioner was arrested and was again granted the concession of bail and he was appearing before the trial Court.

Counsel for the petitioner lastly, volunteered that the petitioner is ready to deposit the costs of Rs.2.00 lacs for causing delay in disposal of the trial as the petitioner could not appear before the trial Court on account of the fact that he was working abroad and at the relevant time, his co-accused Neeraj was discharged, he was not present in India and, therefore, the case remain pending qua the petitioner.

Notice of motion.

Mr. Deepak Grewal, DAG, Haryana who is present in the Court accepts notice on behalf of the respondent – State.

List again on 29.09.2021.

To be shown in the Urgent List.

Reply, if any, be filed in the Registry with copy in advance to counsel opposite.

In the meantime, the petitioner is directed to deposit the costs of Rs.2.00 lacs with the Punjab & Haryana High

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Court Advocates Welfare Fund.

The petitioner will place on record the copy of the receipt, depositing the costs.

In the meantime, the trial Court is directed to adjourn the case beyond the date fixed before this Court.

However, it is made clear that if the costs is not deposited, the interim order, will be vacated on the next date of hearing.”

Counsel for the petitioner has argued that in pursuance to the order dated 23.08.2021, the petitioner has already deposited the costs of Rs.2.00 lacs and the matter stood compromised between the parties.

Counsel for the State has not disputed the factual position that the compromise was effected with the petitioner, as well, however, the proceedings against the petitioner remain pending.

Counsel for the petitioner has further submitted that on account of the fact that the petitioner was declared a proclaimed offender, another FIR No.62/2021, as per the amended headnote under Section 174-A IPC was also registered against the petitioner and the same is nothing but misuse of the process of law.

After hearing the counsel for the parties, considering the submissions made by counsel for the petitioner and also in view of the fact that the complainant Ravi son of Harvir Singh, has made a statement on 15.09.2011 before the trial Court/Judicial Magistrate Ist Class, Faridabad that he has entered into settlement with the accused persons without any coercion and duress and he do not want to pursue the proceedings against the accused persons, the matter was settled before the Permanent Lok Adalat and also in view of the fact that the co-accused Neeraj was acquitted of the charges by compounding the

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offence under Section 320(8) Cr.P.C., however, a note was given that the petitioner/co-accused Sandeep is a proclaimed offender and in view of the fact that the petitioner has deposited the costs of Rs.2.00 lacs, the present petition is allowed and the offence under Section 411 IPC qua the petitioner Sandeep Chauhan is also compounded and he is also discharged of the charge.

Considering the fact that the petitioner stands discharged in the main FIR No.988/2002 dated 28.12.2002, the subsequent FIR No.62/2021 dated 20.02.2021, under Section 174-A IPC, Police Station Faridabad Central, District Faridabad, which was registered on account of the order passed by the trial Court in the aforesaid FIR No.988/2002, declaring his as a proclaimed offender, I find that no purpose will be served in directing the petitioner to face the trial in FIR No.62/2021, as he stands acquitted in the main FIR No.988/2002. Accordingly, the FIR No.62/2021 dated 20.02.2021, registered under Section 174-A IPC, at Police Station Faridabad Central, District Faridabad, is also quashed.

(ARVIND SINGH SANGWAN)
JUDGE

29.09.2021
yakub

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No