

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

(109)

CRM-M-42519-2021

Date of Decision : October 11, 2021

V.B. Katoria

.. Petitioner

Versus

State of U.T. Chandigarh and another

.. Respondents

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rajat Mor, Advocate, for the petitioner.

Mr. B.R. Rana, Advocate, for
Mr. J.S. Toor, Addl. P.P., for U.T. Chandigarh.

Ms. Ranjana Shahi-respondent No.2 in person.

HARSIMRAN SINGH SETHI J. (ORAL)

In the present petition, the prayer of the petitioner is for quashing the order dated 10.05.2016 passed by the learned Judicial Magistrate Ist Class, Chandigarh whereby, the petitioner was declared proclaimed offender in complaint No.3122/2015 registered under Section 138 of the Negotiable Instruments Act titled as Ranjana Shahi versus V.B. Katoria as well as FIR No.90 dated 31.03.2021 registered under Section 174-A IPC at Police Station Sector-39, Chandigarh.

Learned counsel for the petitioner submits that the petitioner has already satisfied the claim of the complainant to her satisfaction, who has been arrayed as respondent No.2, hence, the proceedings, which came into being during the pendency of the said complaint, which has already

been withdrawn due to the final settlement between the parties, may kindly be quashed.

Learned counsel for the petitioner further submits that the petitioner has surrendered before the trial Court and has already been extended the benefit of bail. Learned counsel for the petitioner argues that keeping in view the said fact that petitioner had surrendered before the Court and joined the proceedings and also the fact that the parties have already compromised their dispute and the complaint filed against the petitioner by respondent No.2 has already been withdrawn, the order declaring the petitioner as proclaimed offender is rendered infructuous and registration of an FIR on the basis of said order, may kindly be quashed. Learned counsel for the petitioner further submits that the petitioner is ready to bear the cost for the inconvenience, caused to the Courts.

Notice of motion.

Mr. B.R. Rana, Advocate, for Mr. J.S. Toor, learned Additional Public Prosecutor, Chandigarh, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent No.1-State and Ms. Ranjana Shahi-respondent No.2 appears in person.

Respondent No.2 concedes before this Court that the parties have already compromised their dispute and the claim of the petitioner qua the amount in dispute is satisfied to her satisfaction and she has no objection in case, the prayer made in the present petition, is accepted as she has already withdrawn her complaint.

Learned counsel for respondent No.1-State submits that the petitioner evaded law for a considerable time and hence, had made himself

not entitled for the discretionary relief under Section 482 Cr.P.C though now he has joined the proceedings and has been granted the benefit of bail.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once, the parties have already settled their claim and the claim of respondent No.2 has already been satisfied to her satisfaction, though, the petitioner should have been careful in evading the proceedings but now as he had surrendered before the Court and has been granted bail, no useful purpose will be achieved in keeping the FIR No.90 dated 31.03.2021 alive especially when the complaint, in process of which, the said FIR was registered, already stands withdrawn by respondent No.2.

Keeping in view the above, FIR No.90 dated 31.03.2021 registered under Section 174-A IPC at Police Station Sector-39, Chandigarh and all other subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise entered into between the parties, subject to the payment of Rs.15000/- as cost, to be deposited with Prabh Aasra (Unit of) u/o Universal Disabled Care Taker Social Welfare Society, (who are maintaining Orphans) in Bank A/c No.014894600000970, SCO 151-152, Sector 9- C, Chandigarh or A/c No.100035657241 of Industrial Bank, Sector-54, Phase-II, Mohali Branch, by the petitioner.

October 11, 2021
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No