

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(235)

CRM-M-40414-2020
DATE OF DECISION:- 08.04.2021
RAJ BHASIN @ RAJ KUMARI ...PETITIONER

VERSUS

STATE OF HARYANA ...RESPONDENT

CRM-M-41058-2020
DATE OF DECISION:- 08.04.2021
RAJ BHASIN @ RAJ KUMARI ...PETITIONER

VERSUS

STATE OF HARYANA ...RESPONDENT

CRM-M-41213-2020
DATE OF DECISION:- 08.04.2021
SARITANJLI BHASIN ...PETITIONER

VERSUS

STATE OF HARYANA ...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Sudhir Rana, Advocate
for the petitioner.

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SUVIR SEHGAL, J.

This order shall dispose of a bunch of 3 petitions bearing CRM-M-40414-2020, Raj Bhasin @ Raj Kumari Versus State of Haryana, CRM-M-41058-2020 Raj Bhasin @ Raj Kumari Versus State of Haryana and CRM-M-41213-2020, Saritanjali Bhasin Versus State of Haryana in which common question of law and facts are involved. However, for the sake of

convenience, facts are being extracted from CRM-M-40414-2020 titled as “Raj Bhasin @ Raj Kumari Vs. State of Haryana.”

Vide instant petition filed under Section 482 of the Code of Criminal Procedure, 1973, the petitioner seeks quashing of order dated 30.04.2018, Annexure P-1, whereby he has been declared as a Proclaimed Person and FIR No. 362 dated 17.02.2020 (Annexure P-4) lodged under Section 174-A of the Indian Penal Code, 1860 at Police Station Ambala City, District Ambala.

Facts, in a nut shell, are that a complaint under Section 138 read with Section 141 of the Negotiable Instruments Act, 1881 (for short “N.I. Act”) was filed against the petitioner on account of dishonor of a cheque. The petitioner was summoned but he failed to appear and eventually vide impugned order dated 30.04.2018 (Annexure P-1), he was declared as a proclaimed person by the trial Court, consequent to which the impugned FIR (Annexure P-4) was registered against him. In the meantime, the petitioner compromised the matter with the complainant paid him certain amount and the complainant filed an application and withdrew the complaint by making a statement on 03.03.2020 (Annexure P-2). His complaint was dismissed as withdrawn, vide order (Annexure P-3) passed on the same day by the trial Court.

The sole argument of the counsel of the petitioner is that the dispute, which resulted in the institution of the complaint against the petitioner under the N.I. Act has been settled and the complaint stands withdrawn, therefore, the impugned order as well as the pendency of the

proceedings under the impugned FIR cannot be sustained.

The petition has been opposed by counsel for the respondent-State, who has argued that the petitioner was declared as a proclaimed person after following the due process and the impugned FIR is an outcome of the directions passed by the Court.

I have considered the respective submissions of the parties.

The accused-petitioner and the complainant have settled the matter and a sum of Rs.4.5 lacs has been paid to the complainant in full and final settlement with regard to his claim of Rs.11,73,765/-. The complainant made a statement (Annexure P-2) before the Court that nothing is due from the accused-petitioner as well as the other co-accused and he does not have any objection in case the order declaring the petitioner as a proclaimed person is quashed. By order dated 03.03.2020 (Annexure P-3), the complaint was dismissed as withdrawn.

Once there is an amicable settlement between the parties and the main petition under Section 138 of N.I. Act, wherein the accused was declared as a proclaimed person, has been withdrawn, neither the order declaring the accused as a proclaimed person nor the proceedings under Section 174-A of the Indian Penal Code, 1860 can be permitted to continue. Reference in this regard is made to the judgments of this Court in **Microqual Techno Ltd. and others Versus State of Haryana and another, 2015 (32) RCR (Crl.) 790; Rajnish Khanna Versus State of Haryana and another, 2017 (3) LAR 555 and CRM-M-18844-2020, Amit Kumar Versus State of Haryana and another, decided on**

30.10.2020.

As a result, the impugned order dated 30.04.2018, Annexure P-1, whereby the petitioner has been declared as a Proclaimed Person and FIR dated 17.02.2020 (Annexure P-4) lodged under Section 174-A of the Indian Penal Code, 1860 at Police Station Ambala City, District Ambala are quashed along with all subsequent proceedings, subject to deposit of costs of Rs.10,000/- in each case with the Poor Patient Welfare Fund, PGIMER, Sector-12, Chandigarh.

Accordingly, all the three petitions are disposed of.

(SUVIR SEHGAL)
JUDGE

08.04.2021
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Whether speaking/reasoned	Yes/ No
Whether reportable	Yes/ No