

**120+121 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

120

CRM-M-41014-2020

Date of Decision: 06.01.2021

Sanjeev Bhasin

.....Petitioner

Vs.

State of Haryana

.....Respondent

121

CRM-M-41033-2020

Saritanjlil Bhasin

....Petitioner

vs.

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Sudhir Rana, Advocate,
for the petitioners (in both cases)

Mr. B.S. Virk, D.A.G., Haryana.

AMOL RATTAN SINGH, J. (ORAL)

Case heard by video conferencing.

These are two petitions which learned counsel for the petitioners submits are connected to each other, with the petitioner in each of them being husband and wife.

These petitions have been filed seeking quashing of FIR No. 360 dated 17.02.2020 (in CRM-M-41014 of 2020) and FIR No. 354 dated 17.02.2020 (in CRM-M-41033 of 2020), both registered for the alleged commission an offence punishable under Section 174-A of the IPC, at Police Station Ambala City, District Ambala. The petitioners also seeks the setting aside of the order dated 30.04.2018 passed in the case titled as **Hindustan Enterprises** vs. **Brepro Systems (India) Pvt. Ltd and others**, whereby the

petitioners have been declared to be proclaimed persons.

Learned counsel for the petitioners first points to the order passed by the learned Judicial Magistrate Ist Class, Ambala, on 03.03.2020, (copy Annexure P-3 with each case), wherein it is recorded that the complainant had compromised the matter with the petitioners, upon money having been paid as full and final settlement, the complaint before the court in which aforesaid order was passed, being one filed under the provisions of Section 138 of the Negotiable Instruments Act, 1881.

Learned counsel for the petitioners further submits that since the “principal matter” itself has been compromised, the two FIRs registered against the petitioners on account of them having been declared to be proclaimed persons, also deserve to be quashed.

Whereas otherwise he may not have been entirely incorrect in his contention, but obviously unless the petitioners could show that they were never ever served of the summons/warrants issued to secure their presence before the trial court in the complaint case, their evasion of the proceedings in that case, in my opinion, would require to be 'redressed' by way of at least compensation to be paid to the State for unnecessarily dragging proceedings before the court and for making the state machinery 'run around' to secure their presence.

That being so, these petitions are allowed in the aforesaid circumstances (of the complaint itself as was instituted against the petitioners having been withdrawn by the complainant upon the matter being compounded by the petitioners with him), but quashment of the FIRs in question would be subject to the petitioners paying a sum of Rs. 25,000/- (Rs. 12,500/- each) to the District Legal Services Authority, Ambala, within one month from today.

In the meanwhile, in the interim period of one month, proceedings in the FIR shall remain stayed.

However, if the said amount is not paid by 05.02.2021, this order shall be deemed to have not been passed.

A report of the payment made shall be put up to this court even though the petition itself is being conditionally allowed today itself.

(Thus, upon payment of the aforesaid sum of Rs. 25,000/-, the FIRs in question would stand quashed).

January 06, 2021
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.