

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

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CRM-M-10405-2022 (O&M)

Date of Decision: 19.12.2022

RAVI KIRAN

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Yash Dev Kaushik, Advocate
for the petitioner.

Mr. Pawan Kumar Jhanda, AAG Haryana.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks quashing of FIR No.235 dated 10.04.2018, registered at Police Station Mujesar, District Faridabad, under Section 174-A IPC, along with all the consequently proceedings arising therefrom.

Status report by way of an affidavit dated 26.04.2022 of the Assistant Commissioner of Police, Mujessar, Farib filed on behalf of the respondent-State, in the Registry, is taken on record.

Learned State counsel undertakes to supply the copy of the same to the learned counsel for the petitioner, during the course of the day.

Learned counsel for the petitioner submits that the complainant filed a complaint under Section 138 N.I.Act, against the petitioner; that during pendency of the said complaint, the petitioner could not appear before the trial Court, following which he was declared

a proclaimed person vide order dated 25.01.2018; that during the pendency of the said complaint, a compromise was effected between the parties; that on 20.12.2019, complainant, namely, Yogesh Kumar Pahwa, has suffered a statement that he has received the entire cheque amount and thus, he does not want to pursue the complaint and that vide order dated 20.12.2019, the complaint in question was dismissed as withdrawn and the file was consigned to the record room. It is further contended by the learned counsel that when the very dispute contained in the complaint stands settled, there would be no justification in continuing with the present proceedings, which admittedly and indisputably have arisen out of the said complaint itself.

In support of his contentions, learned counsel for the petitioner relies upon the order dated 15.12.2021 passed by a Coordinate Bench of this Court in CRM-M-52319-2021 titled as Shravan Kumar Singh @ Sarvan Singh vs State of Haryana.

Learned State counsel does not dispute the factum of the settlement of the dispute between the parties. He, however, submits that the petitioner intentionally not appeared before the Court below and was rightly declared as proclaimed person. He, thus, prays for dismissal of the present petition.

Having heard learned counsel for the parties and taking into consideration the factum of settlement of the dispute between the parties and the complaint having been dismissed as withdrawn, this Court finds no justification in continuing with the proceedings arising out of FIR

No.235 dated 10.04.2018, which was registered against the petitioner having been declared a proclaimed person.

In view of the above, FIR No.235 dated 10.04.2018, registered at Police Station Mujesar, District Faridabad, under Section 174-A IPC, and all the subsequent proceedings arising therefrom are hereby quashed qua the petitioner, subject to him depositing the costs of Rs.10,000/- with the District Legal Services Authority, concerned.

Allowed in the aforementioned terms.

19.12.2022

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

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