

CRM-M-23914-2022

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

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Date of decision: 09.12.2022

Harmeet Kaur

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Ashish Aggarwal, Advocate,
for the petitioner.

Mr. Harkanwar Jeet Singh, AAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks quashing of FIR No.139 dated 15.07.2019, registered under Section 174-A IPC, at Police Station Sadar Tarn Taran, District Tarn Taran, and all the subsequent proceedings arising therefrom and the order dated 12.04.2019 passed by the learned Chief Judicial Magistrate, Tarn Taran, in private complaint No.NACT-815-2018, titled as 'Dilbagh Singh Vs. Harmeet Kaur', declaring the petitioner a proclaimed offender.

Learned counsel for the petitioner submits that in the complaint under Section 138 N.I.Act, filed by one Dilbagh Singh, the petitioner was summoned as an accused to face the trial; that the petitioner had no knowledge about pendency of that complaint and, therefore, he could not appear before the concerned court; that due to non-appearance of the petitioner, she was declared a proclaimed offender.

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Learned counsel draws the attention of this Court towards the order dated 11.12.2021 passed by the Presiding Officer, National Lok Adalat, Tarn Taran, which would reflect that the matter having been compromised between the parties, the complaint under Section 138 N.I.Act, out of which the present proceedings have arisen, stands dismissed as withdrawn. The said order would read as under:

“File taken up in National Lok Adalat. Complainant Dilbagh Singh has already suffered a statement on 14.10.2021 to the effect that he does not want to pursue with the present complaint. As such, the present complaint may kindly be dismissed as withdrawn. On the basis of above said statement, the present complaint is dismissed as withdrawn. File be consigned to the record room (J) Tarn Taran.”

On the strength of the aforesaid development, it is 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 relies upon the judgments rendered by a Coordinate Bench in case titled as 'Lakhwinder Singh Vs. State of Punjab', CRM-M-37155-2021, decided on 16.11.2021 and by this Court in 'Ravinder Zutshi and others Vs. State of Haryana', CRM-M-51647-2021, decided on 28.02.2022.

Learned counsel further contends that the petitioner had never been served through ordinary or substitute process; that the petitioner was declared a proclaimed offender on 12.04.2019; that the petitioner herself surrendered before the trial Court on 31.07.2019, and that the trial Court

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had declared the petitioner a proclaimed offender in a hurried manner.

On the other hand, learned State counsel, while opposing the relief as claimed in the present petition, submits that the petitioner had rightly been declared a proclaimed offender.

I have heard the learned counsel for the parties.

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 the impugned FIR, which was registered pursuant to the petitioner having been declared a proclaimed offender.

In view of the above, FIR No.139 dated 15.07.2019, registered under Section 174-A IPC, at Police Station Sadar Tarn Taran, District Tarn Taran, and all the subsequent proceedings arising therefrom and the order dated 12.04.2019 passed by the learned Chief Judicial Magistrate, Tarn Taran, are quashed, qua the petitioner.

Allowed in the aforementioned terms.

09.12.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No