

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

271-A

CRM-M-33026-2021 (O&M)

Date of decision: 30.11.2022

Manjit Singh @ Manjit Singh Athwal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Prateek Pandit, Advocate for the petitioner.

Mr. Gurlal Singh Dhillon, AAG Punjab.

Mr. R.S. Athwal, Advocate for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

CRM-40455-2022

Prayer in the application is for placed on record the true copy of the passport of the petitioner as Anneuxre A-1.

Notice in the application.

Learned State counsel and learned counsel for the complainant accept notice and submit that they have no objection, if the application is allowed.

In view of the above, the application is allowed. Annexure A-1 is taken on record.

Main case:

Challenge in the present petition is to the order dated 11.09.2019 (Annexure P-6) passed by the learned Judicial Magistrate 1st Class, Jalandhar,

vide which the petitioner has been declared a proclaimed person in case bearing FIR No.54 dated 15.03.2017, registered at Police Station Navi Baradari, District Jalandhar, under Section 174-A IPC.

Learned counsel for the petitioner contends that the petitioner, who is a citizen of Canada, has been residing there for the last more than 20 years; that Sarabjit Singh, real brother of the petitioner, filed a complaint under Section 138 of the Negotiable Instruments Act, 1881, as well as a civil suit. During the pendency of the *lis*, a compromise was effected between them. Thereafter, the brother of the petitioner got his statement recorded before the trial Court on 04.10.2017 with regard to the compromise in the complaint case and on the basis thereof, the complaint under Section 138 of N.I. Act, got dismissed as withdrawn on 04.10.2017. On the basis of the compromise, the civil suit filed by the brother of the petitioner stood disposed of. The cheque amount was of Rs. 20 lakh.

Learned counsel further contends that during the pendency of the complaint under Section 138 N.I. Act, the petitioner was declared a proclaimed person vide order dated 19.11.2015 on the basis of which, the present FIR stands registered wherein the petitioner has also been declared a proclaimed person.

Learned counsel appearing for the complainant does not dispute the factum of compromise and submits that the complainant has no objection, if the present petition is allowed.

Learned State counsel submits that the petitioner has been declared a proclaimed person not even in the present FIR, but also in the

complaint under Section 138 N.I. Act, and thus, the petition deserves to be dismissed.

I have heard the learned counsel for the parties and have also gone through the documents on record.

The petitioner is a citizen of Canada and has been residing there for the last more than 20 years. The FIR was registered on 15.03.2017 under Section 174-A IPC and the petitioner has been declared a proclaimed person but the fact remains that the matter has been compromised between the parties and the brother of the petitioner got his statement recorded before the trial Court on 04.10.2017 with regard to the compromise in the complaint case and on the basis thereof, the complaint under Section 138 of N.I. Act, was got dismissed as withdrawn on 04.10.2017 and the civil suit filed by the brother of the petitioner also stood disposed of.

FIR No.54 dated 15.03.2017, registered at Police Station Navi Baradari, District Jalandhar, under Section 174-A IPC, has also been quashed vide order of even date by this Court.

In view of the above, the petition is allowed. The order dated 11.09.2019 (Annexure P-6) passed by the learned Judicial Magistrate 1st Class, Jalandhar, vide which the petitioner was declared a proclaimed person in case bearing FIR No.54 dated 15.03.2017, registered at Police Station Navi Baradari, District Jalandhar, under Section 174-A IPC, is set aside.

(HARNARESH SINGH GILL)
JUDGE

30.11.2022
Mangal Singh

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No