

CRM-M-51647-2021

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

**CRM-M-51647-2021
Date of decision: 28.02.2022**

Ravinder Zutshi and others

...Petitioners

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Gurmohan Singh Bedi, Advocate,
for the petitioners.

Mr. Ashok Singh Chaudhary, Addl. A. G. Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioners seek quashing of FIR No.448 dated 13.07.2021, registered at Police Station Shivaji Nagar, Gurugram, under Section 174-A IPC, and all the consequent proceedings arising therefrom.

Copy of status report dated 16.02.2022, by way of affidavit of the Assistant Commissioner of Police, Sadar Gurugram, filed in the Registry, is taken on record.

This Court, vide order dated 14.12.2021, had stayed further proceedings before the trial Court qua the petitioners.

Learned counsel for the petitioners draws the attention of this Court towards the order dated 10.09.2021 passed by the Judicial Magistrate Ist Class, Gurugram, which would reflect that the matter having been compromised between the parties, the complaint, out of which the present

proceedings have arisen, stands dismissed as withdrawn. The said order

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would read as under:-

“File taken up today on account of moving of application for withdrawal of complaint in view of the settlement.

Fresh vakalatnama on behalf of accused No. 1 & 2 filed. Learned counsel for the accused has endorsed “No Objection” over the application of applicants dated 05.07.2021 to implead themselves as legal heirs of deceased complainant and to allow themselves to pursue the present complaint. In view of the no objection made by the defence, application for impleading legal heirs of complainant stands allowed and Manmohan Krishan Dang and Jagmohan Krishan Dang are impleaded as complainant in place of deceased Krishan Lal Dang.

Learned counsel for the complainant and AR of accused company alongwith his counsel suffered a joint statement to the effect that the parties have arrived at a settlement. It is jointly stated that settlement deed Ex.C1 which has been executed by the parties by their free will and without any pressure or undue influence. Parties have agreed to remain bound by the terms of Ex.C1. The counsel for the complainant has further stated that he withdraw the present complaint in view of settlement deed Ex.C1.

Heard. In view of the statement made by the counsel for the complainant, the present complaint stands dismissed as withdrawn. Accused stands acquitted as per provision of Section 257 of Code of Criminal Procedure.

Property(s) of applicant/accused which was ordered to be attached under proceedings under Section 83 Cr.P.C. vide order dated 02.07.2021 is ordered to be released forthwith and the proceedings under Section 83 of the Code stands dropped. The order dated 02.07.2021 through which accused No.1, 3 to 6 and 9 to 12 were declared Proclaimed Person also stands recalled in view of the acquittal of the accused persons under Section 257 of the Code. Copy of this order be sent to the concerned authorities for immediate and necessary compliance. File be consigned to record room after due compliance.”

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

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the present proceedings, which admittedly and indisputably have arisen out of the said complaint itself. In support of his contention, he relies upon the order passed by a Coordinate Bench of this Court in CRM-M-25954-2019, titled as 'Dinesh Gupta and Ors. Vs. State of Haryana and another', decided on 06.02.2020.

Learned State counsel does not dispute the factum of the settlement of the dispute between the parties before the trial Court.

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.448 dated 13.07.2021, which was registered pursuant to the petitioners having been declared as proclaimed persons.

In view of the above, FIR No.448 dated 13.07.2021, registered at Police Station Shivaji Nagar, Gurugram, under Section 174-A IPC, and all the consequent proceedings arising therefrom, are hereby quashed, qua the petitioners.

Allowed in the aforementioned terms.

28.02.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No