

CRM-M-47100-2019

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

CRM-M-47100-2019

Date of decision: 19.07.2022

M/s Cresco Metals through its proprietor Paramjit Singh

...Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Dinesh Kumar Prajapati, Advocate,
for the petitioner.

Mr. Pawan Kumar Jhanda, AAG, Haryana.

Mr. Anil Kumar Spehia, Advocate,
for respondent No.2.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks quashing of FIR No.479 dated 12.10.2019, registered at Police Station S.G.M. Nagar, District Faridabad, under Section 174-A IPC, and all the consequent proceedings arising therefrom.

Learned counsel for the petitioner submits that the petitioner was convicted and sentenced by the trial Court for commission of offence punishable under Section 138 of the Negotiable Instruments Act, 1881; that the petitioner preferred an appeal, challenging his conviction and sentence and during the pendency of the said appeal, he was declared a proclaimed person and as a result, the impugned FIR has been registered against him.

Learned counsel for the petitioner contends that a compromise has been effected between the parties; that in pursuance thereof, the

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petitioner has paid full and final payment to the respondent and that now, nothing is due towards him.

Learned counsel for the petitioner draws the attention of this Court towards the order dated 14.12.2019 passed by learned Sessions Judge, Faridabad, which would reflect that the matter having been compromised between the parties in the National Lok Adalat, the appeal, out of which the present proceedings have arisen, stands allowed and the judgment of conviction and order of sentence have been set aside. The said order would read as under:-

“File has been taken up in National Lok Adalat.

In criminal complaint bearing No. 917 of 2016 (CIS No.NACT 1595/2016, CNR No. HRFB03-006584-2016) filed by complainant S.K.Dhiman (now respondent), accused Paramjit Singh was convicted by the Court of Sh.Amit Sihag, learned Judicial Magistrate Ist Class, Faridabad, under Section 138 of Negotiable Instruments Act vide judgment dated 13.11.2018. Vide a separate order on quantum of sentence dated 14.11.2018, he was sentenced to undergo simple imprisonment for a period of six months and was also directed to pay the compensation amount of ₹4,50,000/- to the complainant-respondent.

Against the above judgment of conviction and order of sentence, this appeal was filed.

However, today parties have arrived at a compromise in the National Lok Adalat and as per compromise, appellant has paid full and final payment to the respondent and now nothing is due. He has prayed that his appeal be accepted on the basis of compromise. Learned counsel for respondent-complainant has agreed with the submission of appellant-accused and has made a statement that he has no objection if appellant is acquitted

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of the charge as he has made the full and final payment as per compromise. Separate statements of both the sides have been recorded to this effect.

Heard. Offence u/s 138 of Negotiable Instruments Act is compoundable in nature. In view of the compromise effected between the parties, the matter stands compounded. Accordingly, the impugned judgment of conviction and order of sentence are hereby set aside and the present appeal is accepted. Appellant-accused is acquitted of the charges framed against him. Original RC of vehicle belonging to surety, which was taken on record on 13.12.2018 at the time of admitting the appellant-accused on bail, be returned to him against proper receipt and identification. Name of the surety be deleted from the CIS. Lower Court record be sent back alongwith a copy of this order. File be consigned to records 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 appeal stands settled, there would be no justification in continuing with the present proceedings, which admittedly and indisputably have arisen out of the said appeal itself. In support of his contention, he relies upon the judgments rendered by the Delhi High Court in Sanjay Chaturvedi Vs. State 2007(1) R.C.R. (Criminal) 822, and by the Coordinate Benches in Microqual Techno Limited and others Vs. State of Haryana and another', 2015(32) RCR (Criminal) 790, Rajneesh Khanna Vs. State of Haryana and another 2017(3) L.A.R. 555, and Ajeet Singh Vs. State of Haryana, CRM-M-32493-2017, decided on 06.11.2017.

Learned counsel for respondent No.2 does not dispute the

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factum of compromise effected between the parties before the Appellate Court.

Having heard learned counsel for the parties and taking into consideration the factum of settlement of the dispute between the parties and appeal having been allowed in view of the compromise, this Court finds no justification in continuing with the proceedings arising out of FIR No.479 dated 12.10.2019, which was registered pursuant to the petitioner having been declared a proclaimed person.

In view of the above, FIR No.479 dated 12.10.2019, registered at Police Station S.G.M. Nagar, District Faridabad, under Section 174-A IPC, and all the consequent proceedings arising therefrom, are hereby quashed, qua the petitioner.

Allowed in the aforementioned terms.

19.07.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No