

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

(234)

CRM-M-12054-2018

Date of Decision : July 14, 2023

Sukhwinder Sheoran

.. Petitioner

Versus

State of Haryana and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: None for the petitioner.

Mr. Surender Singh, Assistant Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

1. Present petition has been filed challenging the order dated 21.04.2017 (Annexure P-12) by which, learned Judicial Magistrate Ist Class, Rewari has declared the petitioner as proclaimed offender in connection with the Criminal Complaint No.17 dated 27.04.2013 as well as the order passed by the revisional authority dated 04.12.2017 (Annexure P-16) by which, the order passed by the Judicial Magistrate Ist Class, Rewari dated 21.04.2017, was upheld.

2. As per the averments made in the petition, proceedings under the Negotiable Instruments Act, 1881 were initiated against the petitioner by the complainant by filing Criminal Complaint No.17 dated 27.04.2013. During the pendency of the said proceedings, the parties compromised the dispute and all the dues admissible to the complainant were released in his favour by the petitioner under the compromise.

3. As all the payments due to the complainant were already made,

he undertook to withdraw the complaint and the complaint was ultimately withdrawn by the complainant.

4. Thereafter, it transpired that before the complaint was withdrawn, certain orders were passed by the trial Court by which, proceeding to initiate proclamation under Section 82 of the Cr.P.C was started and an order was passed on 21.04.2017 declaring the petitioner as proclaimed offender and directions were issued to the SHO concerned for initiating proceedings against the petitioner under Section 174-A Cr.P.C.

5. As the petitioner has already made all the payment and he never knew about the order dated 21.04.2017 and after he came to know about the said order, he filed a revision petition before the Revisional Court, which came to be decided vide order dated 04.12.2017 (Annexure P-16) and the same was dismissed, leading to the filing of the present petition.

6. From the facts stated hereinbefore, it is clear that the complainant has already received all the amount due to him and the main Criminal Complaint No.17 dated 27.04.2013 has already been withdrawn. It is only the order passed during the pendency of the said criminal complaint dated 21.04.2017 (Annexure P-12) which is causing prejudice to the petitioner as he was declared a proclaimed offender.

7. It may be noticed that though direction was issued to the concerned SHO to initiate proceedings under Section 174-A Cr.P.C but learned State counsel submits that as per the affidavit filed by the State, no such proceedings have ever been initiated.

8. I have heard learned State counsel and have gone through the record with his able assistance.

9. In the present case, the grievance raised in the Criminal Complaint No.17 dated 27.04.2013 already stands satisfied and the same

already stands withdrawn by the complainant himself as he has already received all the amount due to him. During the pendency of the said criminal complaint, the order was passed declaring the petitioner as proclaimed offender.

10. Though, the petitioner should have associated himself with the Court proceedings but by giving him a benefit of doubt that the complainant has already informed him about his decision to withdraw the complaint after their compromise, he did not bother about the pending proceedings which led to the passing of the impugned order. Even otherwise, as the parties have already compromised their issue, continuing with the present order declaring the petitioner as proclaimed offender so as to initiate proceedings under Section 174-A Cr.P.C, at this stage, will not serve any purpose. Once the main complaint has been withdrawn after compromise, sustaining of an order passed during the pendency of the complaint so as to initiate proceedings under Section 174-A of Cr.P.C and that too at this stage will serve no useful purpose.

11. Keeping in view the above, as an exceptional case, in facts and circumstances as stated hereinbefore, the impugned orders dated 21.04.2017 (Annexure P-12) and 04.12.2017 (Annexure P-16) are set aside.

12. The present petition is allowed in above terms.

July 14, 2023

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No