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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM M-29396-2022 (O&M)

Date of Decision: March 29, 2023

Avtar Singh

.....Petitioner

Vs.

State of Haryana and ors.

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

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Present:- Mr. Puja Chopra, Advocate for the applicant/ petitioner.

Mr. Sumit Jain, Addl.A.G., Haryana.

Mr. T.K. Gupta, Advocate for respondents No.2 & 3.

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HARKESH MANUJA

CRM-14195-2023

By way of present application, prayer has been made for permitting respondent No.3 to appear before the trial Court and make statement on behalf of respondent No.2 in furtherance of the earlier order dated 22.02.2023 passed by this Court.

At the outset, learned counsel for the applicant/ petitioner wishes to withdraw the present application and in the alternate orally prays for preponing the date of hearing in the main case which is fixed for 13.04.2020.

Application is dismissed as withdrawn. However, on the oral request of learned counsel for the applicant/ petitioner, which has rather been supported by the counsel representing respondents, the main case is preponed and taken up on board today itself.

MAIN CASE:

By way of present petition filed under Section 482 Cr.P.C., the petitioner prays for quashing of FIR No.365 dated 16.11.1999, under Sections 420, 467, 468, 471 IPC, registered at Police Station Pehowa,

District Kurukshetra (P-1) along with all consequential proceedings arising therefrom, on the basis of compromise dated 21.03.2022 (P-3).

On 22.02.2023, while issuing notice of motion, this Court passed the following order:-

“By way of present petition filed under Section 482 CrPC, prayer has been made for quashing of FIR No.365, dated 16.11.1999 u/s 420, 467, 468 and 471 IPC registered at Police Station Pehowa, District Kurukshetra (Annexure P-1) along with all the subsequent proceedings arising therefrom, on the basis of compromise (P-3).

Though the petitioner was declared as a proclaimed offender vide the order dated 30.05.2001, however, on a challenge made thereto, this Court passed the following order on 10.01.2023:-

“This petition was filed seeking quashing of order dated 30.05.2001 (P-2) whereby the petitioner was declared as proclaimed offender in FIR No. 365 dated 16.11.1999 under Sections 420, 467, 468, 471 IPC, registered at PS Pehowa, District Kurukshetra (P-1)

Learned counsel for the petitioner after arguing for some time and realizing that petitioner has been declared as proclaimed offender, restricts her prayer to the extent that the petitioner would surrender within two weeks from today and apply for regular bail, his application be taken up expeditiously.

The petition is disposed of.

In case the petitioner surrenders within two weeks from today and applies for regular bail, the court concerned considering the age of the petitioner and that the matter has been compromised, shall take up and decide the bail application on the same day.”

In pursuance thereof, the petitioner submitted himself to the jurisdiction of trial Court and was released on bail vide order dated 23.01.2023 passed by Ld.SDJM, Pehowa.

Notice of motion.

Mr. Sumit Jain, Addl. A.G., Haryana, who is present in Court accepts notice on behalf of the respondent-State, whereas Mr. T.K. Gupta, Advocate accepts notice on behalf of complainant-respondent Nos.2-3.

Adjourned to 31.03.2023.

Meanwhile, the parties are directed to appear before the Illaqa Magistrate/trial Court on 10.03.2023 or any other date convenient to the court, which shall record their statements and send a report to this Court to the effect as to whether the compromise is genuine, without any pressure or undue influence and also whether any accused was declared as proclaimed offender, till the next date of hearing.”

Today, learned counsel for the petitioner submits that instead of quashing the FIR on the basis of compromise, the petitioner limits his prayer to the extent that the trial Court be directed to decide the matter in a time bound manner. This request has been made being cautious of the fact that respondent No.2 who is presently out of India, is not in a position to appear before the trial Court and make a statement about the veracity of the settlement arrived at between the parties.

On the other hand, learned State counsel assisted by learned counsel for the private respondents submits that they have no objection in case the prayer made on behalf of the petitioner is accepted.

A perusal of the paper-book reveals that the FIR in the present case was registered way-back in the year 1999 and since then it is pending adjudication before the trial Court.

Keeping in view the fact that the parties who are facing the agony of trial since last 24 years have apparently settled their differences and even have vested right of speedy trial as enshrined under Article 21 of the Constitution of India, thus, without expressing any opinion on the merits of the present petition, the same is disposed of with a request to the learned trial Court to make an endeavour to conclude the trial

expeditiously, preferably within a period of 04 months from the date of receipt of certified copy of this order, if there is no legal impediment.

Pending application(s), if any, shall also stand disposed of.

March 29, 2023
sanjay

(HARKESH MANUJA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>