

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

**CRM-M-38279-2022 (O&M)
DECIDED ON: 5th JANUARY, 2023**

GAGANDEEP KAUR

.....PETITIONER

VERSUS

STATE PUNJAB AND ANOTHER

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Lajpat Rai Sharma, Advocate
for the petitioner.

SANDEEP MOUDGIL, J

This is a petition under Section 482 Cr.P.C. for setting aside the impugned order dated 18.08.2021 (Annexure P-2) passed by learned Sub Divisional Judicial Magistrate, Abohar, District Fazilka in case FIR No. 30 dated 20.02.2020, under Sections 406, 420 and 120-B IPC, registered at Police Station City-1, Abohar, District Fazilka, whereby, the petitioner has been declared proclaimed person in an illegal and arbitrary manner and without complying with the provisions of Section 82 Cr.P.C.

Learned counsel for the petitioner contends that the petitioner and co-accused Baljinder Kaur filed an application under Section 320 Cr.P.C. for compounding of the offence before learned Sub Divisional Judicial Magistrate, Abohar and on 16.04.2022 the complainant appeared and suffered a statement to the effect that a compromise has been effected between the parties and he has received the entire payment from the petitioner and co-accused Baljinder Kaur. The assertion is that vide order

dated 16.04.2022 thought the co-accused of the petitioner namely Baljinder Kaur was ordered to be discharged but no order qua the petitioner regarding discharge was passed as she had already been declared proclaimed person, vide impugned order dated 18.08.2021 (Annexure P-2).

The aforesaid fact is sufficient to show that the matter has been actually settled amicably outside the Court.

A Co-ordinate Bench of this Court in a case titled as “***Ashok Madan vs. State of Haryana and another***” reported as 2020 (4) RCR (Criminal) 87 has also held as under:-

“No doubt, the learned counsel for the respondent has vehemently argued that the offence under Section 174A I.P.C. is independent of the main case, therefore, merely because the main case has been dismissed for want of prosecution, the present petition cannot be allowed, however, keeping in view the fact that the present FIR was registered only on account of absence from the proceedings in the main case which had been subsequently regularised by the court while granting bail to the petitioner, the default stood condoned. In such circumstances, continuation of proceedings under Section 174-A I.P.C. Shall be abuse of the process of court.

Accordingly, the petition is allowed. FIR No.446 dated 21.08.2017, registered under Section 174A I.P.C. At Police Station Kotwali, District Faridabad, as well as consequential proceedings shall stand quashed.”

A reliance has also been placed upon the orders of this Court dated 12.12.2022 and 13.12.2022 passed in CRM-M-55634-2022 titled as **Jinder Singh Vs. State of Punjab and another** and CRM-M-45051-2022 titled as **Hari Singh Meena Vs. State of Haryana**, wherein it has been held that once a compromise has been effected between the parties and the

accused stands acquitted therefore, the continuation of the proceedings will amount to be an abuse of process of law.

In view of the settlement arrived at between the parties, the order dated 18.08.2021 (Annexure P-2) passed by learned Sub Divisional Judicial Magistrate, Abohar, is hereby, quashed.

Petition is allowed.

5th JANUARY, 2023
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(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether reportable:</i>	<i>Yes/No</i>