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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-37235-2023 (O&M)****Date of decision: 01.08.2023****Balwant Singh****...Petitioner****Versus****State of Haryana and another****...Respondents****CORAM: HON'BLE MR. JUSTICE ARUN MONGA**

Present:- Mr. Simranjeet Singh, Advocate,
For the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. , Advocate,
For respondent No.2.

ARUN MONGA, J. (ORAL)

The instant petition has been filed under Section 482 of Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') seeking quashing of order dated 21.04.2023 passed by Sub Divisional Judicial Magistrate, Tohana, District Fatehabad, whereby petitioner has been declared proclaimed person in complaint case bearing No. NACT 84 of 2019 titled "Sarvjeet v. Balwant", on the basis of compromise deed (Annexure P-2), which is stated to have been entered into between the parties.

2. Learned counsel for the petitioner contends that matter stands settled as entire cheque amount has been paid to the complainant and complaint case under Section 138 of Negotiable Instruments Act, 1881, has also been withdrawn vide order dated 05.07.2023 (Annexure P-3). He further contends that no useful purpose would be served by keeping the present proceedings pending.

3.1 Learned counsel further contends that dispute is of private nature and semi-criminal and in any case it has been settled. Complainant does not wish to press any charges against the accused in view of the compromise.

3. Learned State counsel opposes the prayer made and submits that order declaring petitioner as a proclaimed person has rightly been passed. He further submits that the offence under Section 174A IPC is independent of the main case.

4. Arguments heard.

5. Very purpose of initiating proceedings under Section 174-A IPC is to ensure presence of petitioner in the trial. Since the petitioner has already paid the whole amount, moreover complaint itself has been withdrawn by the complainant, trial itself is already stated to be concluded in view of the settlement, there is no requirement of petitioner to appear before learned trial Court any further. Present proceedings are thus rendered otiose.

6. In view of aforesaid, I see no grounds as to why further proceedings under Section 174-A IPC should continue as same would be an exercise in futility and wastage of precious time of learned Court below.

7. In the totality of circumstances, order dated order dated 21.04.2023 passed by Sub Divisional Judicial Magistrate, Tohana, District Fatehabad, passed in a complaint case bearing No. NACT 84 of 2019 titled "*Sarvjeet v. Balwant*" vide which petitioner was declared a Proclaimed Person as well as other consequential proceedings arising therefrom are quashed in view of the aforesaid.

8. Petition is allowed accordingly.

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

AUGUST 01, 2023
Shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No