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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-37773-2023 (O&M)

Date of decision: 03.08.2023

Pawan Tomar

....Petitioner

versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Ms. Rosi, Advocate for petitioner.

Ms. Svaneel Jaswal, Additional A.G., Haryana.

Mr. Sanawar Ali, 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 FIR No.204 dated 09.06.2023 (Annexure P-1), registered under Section 174-A of the Indian Penal Code, 1860 (IPC), at Police Station, City Nuh District Nuh and subsequent proceedings arising out of said FIR and quashing of order dated 23.03.2023 (Annexure P-2) passed by learned Additional Chief Judicial Magistrate, District Nuh whereby petitioner was declared a proclaimed person.

2. Notice of motion.

3. On advance service of copy of petition, learned State counsel as well as learned counsel for respondent No.2 appear and accept notice.

4. Learned counsel for the petitioner submits that FIR under Section 174-A IPC was registered against the petitioner. However, in the main case a compromise dated 18.07.2023 (Annexure P-3) was effected between the parties. She further contends that matter stands settled as entire cheque amount has been paid to the complainant/respondent No.2 herein. Learned counsel for petitioner further urges that impugned order dated 23.03.2023 (Annexure P-2) passed by learned Additional Chief

Judicial Magistrate, Nuh while declaring petitioner as a proclaimed person was passed without following the proper procedure prescribed under Section 82 and 83 of the Code of Criminal Procedure, 1973. Further argues that no useful purpose would be served by keeping the present proceedings pending.

5. On a Court query, learned counsel for complainant/respondent No.2 admits the factum of compromise having been effected between the parties and receipt of entire cheque amount. He further submits that complaint filed by respondent No.2 under Section 138 of the Negotiable Instruments Act, 1881 stands dismissed as withdrawn and that respondent No.2 has no objection in case FIR in question registered against petitioner herein under Section 174-A IPC and all consequential proceedings arising therefrom are quashed.

6. Learned State counsel, however, opposes the petition and submits that order declaring petitioner as a proclaimed person has rightly been passed. She further submits that the offence under Section 174A IPC is independent of the main case.

7. Arguments heard.

8. Very purpose of proceedings under Section 174-A IPC is to ensure presence of petitioner owing to proceedings initiated under Section 82 of Cr.P.C. in the trial. Since the petitioner has already paid the whole amount which is not controverted by complainant/respondent No.2, 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.

9. 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.

10. In the totality of circumstances, FIR No.204 dated 09.06.2023 (Annexure P-1), registered under Section 174-A IPC at Police Station, City Nuh District Nuh and subsequent proceedings arising out of said FIR are quashed in view of the aforesaid. Needless to add that order dated 23.03.2023 (Annexure P-2) passed by learned Additional

Chief Judicial Magistrate, District Nuh, whereby petitioner was declared a proclaimed person, also stands quashed.

- 11. Petition is allowed accordingly.
- 12. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

03.08.2023
Vandana

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No