

CRM-M-39333-2023

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

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Date of decision: 16.11.2023

KESRI LAL

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Nirmal Singh, Advocate,
for the petitioner.

RAJBIR SEHRAWAT, J. (Oral)

1. The present petition has been filed for quashing of FIR No.260 dated 19.03.2019, registered under Section 174-A IPC, at Police Station Panipat City, District Panipat, and all the subsequent proceedings arising therefrom.

2. It is submitted by learned counsel for the petitioner that the petitioner was involved by the complainant in a case registered under Section 138 of the Negotiable Instruments Act, 1881 (for short, 'the Act'). In the said complaint, the petitioner was summoned to face trial. However, the petitioner could not appear before the trial Court due to some unavoidable reasons. The trial Court, vide order dated 07.02.2019, declared the petitioner as proclaimed person. When the petitioner came to know about the order declaring him to be proclaimed person, he contacted with the complainant and an amicable settlement was arrived at between the parties qua the dispute involved in the case. As a result, the

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complainant made a statement before the trial Court regarding the compromise in the complaint case. Ultimately, in view of the statement made by the complainant, the complaint was dismissed as withdrawn on 14.10.2019. There is no other case pending against the petitioner where he may be required for appearance before the Court. Accordingly, it is submitted by the counsel for the petitioner that the petitioner deserves lenient view from the Court and since the petitioner would not be required to appear in any Court in any substantive proceedings, therefore, FIR No.260 dated 19.03.2019, registered under Section 174-A IPC, at Police Station Panipat City, District Panipat, be quashed so as to save the petitioner from avoidable harassment.

3. Notice of motion.

4. On the asking of this Court, Mr. Krishan Kumar Chahal, Addl. A. G. Haryana, accepts notice on behalf of the respondent-State.

5. It is submitted by counsel for the State, being instructed by concerned police official, that the petitioner had run away from the process of Court. Therefore, the Court had to declare the petitioner as proclaimed person and also to order registration of FIR under Section 174-A of the IPC. Accordingly, it is submitted that the petitioner is facing the above said FIR under Section 174-A of IPC. However, it is not disputed by learned State counsel that the trial against the petitioner under Section 174-A IPC has not made any significant progress. The case is at initial stage.

6. Having considered the respective arguments raised by learned counsel for the parties, this Court finds substance in the arguments raised by the counsel for the petitioner. The objective of the coercive mechanism

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prescribed under the Code of Criminal Procedure is to ensure that the person remains present before the Court to receive the order or sentence, if any awarded by the trial Court to such a person. However, in the present case, the main complaint case in which the petitioner could have been awarded some punishment, already stands disposed of as withdrawn, having been settled between the parties. The emphasis of the Court has to be towards the amicable settlement qua the offences like under Section 138 of the Act. Since, the said offence itself has been wiped out, therefore, the petitioner would not be required to face any other proceedings in which the Court could have awarded any punishment or pass any other order qua the petitioner. Hence, except in the present FIR, the petitioner is not required to appear before any process of law. Therefore, no substantial purpose would be served by keeping the present FIR and the consequent proceedings alive. The interest of justice would be better served, if FIR No.260 dated 19.03.2019, registered under Section 174-A IPC, at Police Station Panipat City, District Panipat, is quashed.

7. Accordingly, the present petition is allowed. The order dated 07.02.2019 passed by the trial Court whereby the petitioner was declared as a proclaimed person, FIR No.260 dated 19.03.2019, registered under Section 174-A IPC, at Police Station Panipat City, District Panipat, as well as, any proceedings consequent thereon are ordered to be quashed.

16.11.2023

parveen kumar

(RAJBIR SEHRAWAT)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No