

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

291

CRM-M-45447-2022
Decided on: 19.01.2023

Madhukar Tulsi

.....Petitioner

Vs.

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Ms. Jigyasa Tanwar, Advocate for the petitioner.

 Mr. Rajat Gautam, DAG, Haryana.

ANOOP CHITKARA J.

FIR No.	Dated	Police Station	Sections
1439	13.09.2022	Shivaji Nagar, District Gurugram	174-A IPC

The petitioner, arraigned as accused in the above captioned FIR, has come up before this Court under Section 482 CrPC for quashing of the FIR and all consequential proceedings on this ground that in the main matter, compromise has been effected and present FIR is only outcome of the order passed in that complaint.

2. During the pendency of the petition, the accused and the aggrieved persons have compromised the main matter. The order dated 15.12.2022, passed Judicial Magistrate First Class, Gurugram, whereby the complaint was dismissed as withdrawn and the said order has been handed over by counsel for the petitioner in the Court today and the same is taken on record. The fact of the main matter being compromised remains undisputed before this court. After that, the petitioner came up before this Court to quash the FIR, and in the quashing.
3. Ld. counsel appearing for the State has strenuously opposed this petition and seeks its dismissal.

ANALYSIS & REASONING:

4. Despite the severe opposition of the State’s counsel to this petition, the fact remains

that the primary matter, in which the petitioner had failed to appear and had led to the registration of FIR under Section 174-A IPC, stands settled and compromised, and the complaint stands withdrawn. That being so, there would be no justification to continue the prosecution, which was to ensure the appearance of the accused in the said trial, and in my considered opinion, the continuation of the prosecution under section 174-A IPC after the settlement of the primary matter serves no purpose except the court's time which is already under extreme stress because of never-ending and continuously increasing workload.

5. Considering the entire facts and in the light of the above-mentioned judicial precedents, I believe that continuing these proceedings will not suffice any fruitful purpose whatsoever. In the facts and circumstances peculiar to this case, the Court invokes the inherent jurisdiction under section 482 CrPC and quashes the FIR and all subsequent proceedings qua the petitioner(s). The bail bonds of the petitioner are accordingly discharged.

Petition allowed in the terms mentioned above. All pending application(s), if any, stand closed.

(ANOOP CHITKARA)
JUDGE

19.01.2023
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Whether speaking/reasoned: Yes
Whether reportable: No.