

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

124

CRM-M No.56068 of 2023 (O&M)
DATE OF DECISION: 08th NOVEMBER, 2023

Anurudh Verma

.... Petitioner

Versus

State of Haryana and another

.... Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Paramjit Singh Jammu, Advocate,
for the petitioner.

* * * *

RAJBIR SEHRAWAT, J. (Oral)

1. The present petition has been filed by the petitioner under Section 482 Cr.P.C for quashing of order dated 07.06.2022 (Annexure P-2) passed by the Judicial Magistrate Ist Class, Sirsa, vide which, the petitioner was declared proclaimed offender in complaint No.NACT 1638 of 2018 titled as Bhupinder Kumar Vs. Anirudh Verma under Section 138 of NI Act, as well as, FIR No.0405 dated 14.06.2022 (Annexure P-3) registered under Section 174-A IPC at Police Station Civil Lines, Sirsa, District Sirsa.

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 was never served with the summons issued by the Court below because he was not residing at the given address. The trial Court vide order dated 07.06.2022 declared the petitioner as proclaimed person. Thereafter, the matter has been compromised between the parties. As a result, the complainant had applied to the trial Court for withdrawal of the main complaint. The said permission was granted by the trial Court vide order dated 03.03.2023. As a result, the main complaint under Section 138 of the Act stands dismissed as withdrawn and there is no other case pending against the petitioner where the petitioner may be required for appearance before the Court.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.0405 dated 14.06.2022 registered under Section 174-A of IPC at Police Station Civil Lines, Sirsa, District Sirsa, be quashed so as to save the petitioner from avoidable harassment.

3. Notice of motion.

4. On the asking of the Court, Mr. Krishan K.Chahal, Addl. Advocate General, Haryana, accepts notice on behalf of the respondent/State and Mr. Santosh Kumar Yadav, Advocate, accepts notice on behalf of the respondent/complainant.

5. Learned State counsel has submitted 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. Learned counsel for the complainant does not dispute the fact that the matter has already been settled between the parties and the main complaint itself stands withdrawn.

7. 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 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 dismissed 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.0405 dated 14.06.2022 registered under Section 174-A of IPC at Police Station Civil Lines, Sirsa, District Sirsa is quashed.

8. Accordingly, the present petition is allowed. The order dated 07.06.2022 passed by the trial Court, whereby the petitioner was declared as a proclaimed person, FIR No.0405 dated 14.06.2022 registered under Section 174-A of IPC at Police Station Civil Lines, Sirsa, District Sirsa, as well as, any proceedings consequent thereon are ordered to be quashed.

08th NOVEMBER, 2023
‘sandeep’

(RAJBIR SEHRAWAT)
JUDGE

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