

CRM-M-56409-2022 (O&M)

-2-

the said complaint, the petitioner was summoned to face trial. However, on 06.04.2019, the petitioner failed to appear before the trial Court. On 14.05.2019, trial Court cancelled the bail order of the petitioner and his personal bond was forfeited to the State. The trial Court vide order dated 19.08.2019 declared the petitioner as proclaimed person. When the petitioner came to know about the factum of the complaint and the order declaring the petitioner to be proclaimed person. Thereafter, the petitioner talked with the complainant and an amicable settlement was arrived at between the parties qua the dispute involved in the case. 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 04.01.2021. As a result, the main complaint under Section 138 of the Act stands disposed of 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.269 dated 09.10.2019, registered under Sections 174-A of the IPC at Police Station Kotwali, District Patiala, be quashed so as to save the petitioner from avoidable harassment.

4. On the other hand, 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 the IPC. However, it is not disputed by learned State counsel that the trial against the petitioner under Section 174-A of the IPC has not made any significant progress. The case is at initial stage.

5. 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 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.269 dated

CRM-M-56409-2022 (O&M)

-4-

09.10.2019, registered under Sections 174-A of the IPC at Police Station Kotwali, District Patiala, is quashed.

6. Accordingly, the present petition is allowed. The order dated 19.08.2019 passed by the trial Court, whereby the petitioner was declared as a proclaimed person, FIR No.269 dated 09.10.2019, registered under Sections 174-A of the IPC at Police Station Kotwali, District Patiala, as well as, any proceedings consequent thereon, are ordered to be quashed.

(RAJBIR SEHRAWAT)
JUDGE

29.09.2023
adhikari

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No