

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

(206)

CRM-M-60624-2022

Date of Decision : July 20, 2023

Pankaj Kashyap**.. Petitioner****Versus****State of Haryana and another****.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Pankaj Bali, Advocate, for the petitioner.

Mr. Surender Singh, Assistant Advocate General, Haryana.

Mr. Ankit Aggarwal, Advocate, for respondent No.2.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present petition, the prayer of the petitioner is for quashing of FIR No.600 dated 05.10.2021 registered under Section 174-A of IPC at Police Station Karnal Civil Lines, Karnal and all other subsequent proceedings arising therefrom, on the basis of compromise entered into between the parties.

2. Learned counsel for the petitioner argues that in the present case, the proceedings were initiated by respondent No.2 by filing Criminal Complaint No.4139 of 2019 in which the petitioner was summoned and there was a compromise between the parties and in pursuance to the said compromise, respondent No.2 has already withdrawn the said complaint as the claim of respondent No.2 already stood satisfied. Learned counsel for

the petitioner submits that during the pendency of the said criminal complaint, the petitioner was declared as a proclaimed offender but as the said complaint was withdrawn, the petitioner assumed that all the proceedings related to the said complaint have already come to an end but now, he has come to know that the present FIR has been lodged under Section 174-A of the IPC. Learned counsel for the petitioner further submits that the petitioner has already appeared before the Court and he has already been granted the bail but keeping in view the fact that the parties to the Criminal Complaint No.4139 of 2019 has already compromised their dispute and the same has already been withdrawn, allowing the present proceedings to continue, will serve no purpose.

3. Learned counsel for the petitioner further submits that even the proclamation which was issued, was not in accordance with law but as the complaint has already been withdrawn, the petitioner never initiated any action to challenge the same.

4. Learned State counsel concedes the factum that the petitioner has already appeared before the Court and has been granted the concession of regular bail.

5. Learned counsel for respondent No.2 submits that he has no objection in case the present FIR is quashed.

6. I have heard learned counsel for the parties and have gone through the record with their able assistance.

7. No doubt the petitioner should have associated himself with the proceedings when summoned by the competent Court of law but the factum that the parties have already compromised their issues and the main complaint has already been withdrawn as satisfied, no useful purpose will be achieved in keeping the present FIR alive especially when the petitioner

is raising issue that the non-appearance in complaint was beyond his control and he was not served properly.

8. Keeping in view the facts and circumstances of the present case, as no useful purpose will be achieved in continuing the present FIR coupled with the fact that the Coordinate Bench of this Court vide order dated 23.12.2022 has already stayed the proceedings qua the present FIR, FIR No.600 dated 05.10.2021 registered under Section 174-A of IPC at Police Station Karnal Civil Lines, Karnal, hence, FIR No. 600 dated 05.10.2021 registered under Section 174-A of IPC at Police Station Karnal Civil Lines, Karnal and all other subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise entered into between the parties.

9. This order, quashing of the FIR, will be subject to the payment of Rs.5,000/- as cost to be deposited with Ashiana (Specialized Adoption Agency) and Snehalaya for Girls (Children's Home) QQ 2C+437, 15C, Sector-15, Chandigarh, 160015 by the petitioner.

July 20, 2023

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No