

2023:PHHC:158642

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

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CRM-M-62227-2023
Date of Decision : 12.12.2023

AMIT BHANDARI

.....Petitioner

VERSUS

STATE OF HARYANA AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Vimal Kumar Gupta, Advocate,
for the petitioner.

KULDEEP TIWARI. J.(Oral)

1. The present petition has been filed for quashing of order dated 13.09.2023, (Annexure P-11), passed by learned JMIC, Faridabad, whereby notice has been issued to SHO concerned to register FIR against the petitioner under Section 174-A IPC in case bearing No.CHI/1179/2019, arising out of FIR No.396 dated 19.07.2017, under Sections 120-B/406/420 of IPC, registered at Police Station Kotwali, District Faridabad as also the order dated 19.01.2019 (Annexure P-10) whereby petitioner has been declared as 'proclaimed person'.

2. Earlier the petitioner approached this Court for quashing of order dated 19.01.2019 (Annexure P-10), vide which he has been declared as a proclaimed person, however the same was dismissed vide order dated 03.03.2021 (Annexure P-14) and the application of pre-arrest bail filed under Section 438 Cr.P.C. was also dismissed vide order dated

03.03.2021 (Annexure P-13) filed by the present petitioner vide CRM-M-10071-2021.

3. Today, learned counsel for the petitioner in order to come out of the difficulties in the present petition, placed reliance upon a compromise deed which was executed on 20.10.2023 (Annexure P-12), whereby the dispute *inter se* parties has shown to have been settled once and for all.

4. He further submits that entire terms and conditions of the compromise has been complied with.

5. Therefore, he submits that keeping in view the supervening events, i.e. the compromise between the parties, there is no chance that the main FIR bearing No.396, dated 19.07.2017, under Sections 120-B/406/420 of the IPC, which is in fact registered under compoundable offences will survive.

6. He further submits that despite the matter being compromised, he is further ready to appear before learned trial Court concerned and face the proceedings in case the adequate protection is granted to him.

7. Notice of motion.

8. Mr. Bhupender Singh, DAG, Haryana, waives service on behalf of the respondent-State.

9. At this stage, Mr. Arjun Dhingra, Advocate, has caused appearance on behalf of respondent No.2 through a validly executed power of attorney in his favour and he admit the factum of compromise.

10. He further submits that he has no objection in case the adequate protection is granted to the petitioner.

11. Considering the fact that the compromise is effected in the main FIR, in which the present petitioner has been declared as a proclaimed person, this Court direct the petitioner to cause appearance within 15 days from today before learned trial Court concerned and to file a regular bail application. In case the petitioner opted to do so, learned trial Court concerned shall decide the bail application most expeditiously.

12. Till next 15 days the arrest of the petitioner shall remain stayed.

December 12, 2023

dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No