

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

124.

CRM-M No.59023 of 2023

Date of Decision:23.11.2023

Mohd. Aamir Khan

...Petitioner

Versus

State of Haryana and another

... Respondents

CORAM : HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Vinay Kumar Pandey, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

1. The petitioner has approached this Court under Section 482 Cr.P.C. seeking quashing of FIR No.247 dated 28.07.2023 under Section 174-A of the Indian Penal Code, 1860 registered at the Police Station, City Nuh, District Nuh as the proceedings on the basis of which the said FIR was registered have been dismissed as withdrawn, in view of the compromise arrived at between the petitioner and respondent No.2.

2. Learned counsel appearing for the petitioner, *inter alia*, contends that due to matrimonial discord, respondent No.2 filed a petition for grant of maintenance against the petitioner, which was decreed on 12.08.2021. Thereafter, respondent No.2 filed execution petition for payment of maintenance amount @ Rs.2500/- per month due towards the petitioner from 12.11.2018 till realization. On 15.07.2023, when execution petition was fixed for presence of the petitioner, the Executing Court declared the petitioner proclaimed offender and directed the SHO concerned to register FIR under Section 174A IPC. It is in this backdrop, the FIR in question was registered

against him. However, the matter was settled between the parties vide compromise deed dated 13.10.2023 and respondent No.2 also sworn an affidavit of the even date corroborating the factum of the compromise. In view of the settlement arrived at between the petitioner and respondent No.2, she had withdrawn the execution petition. It is further contended that since the execution petition in which the petitioner was ordered to be declared proclaimed offender stood dismissed as withdrawn, the FIR registered under Section 174A IPC would not survive either and therefore, prays for quashing of the same.

3. Notice of motion.

4. Mr. Vikas Bhardwaj, AAG, Haryana, who is present in Court, accepts notice for respondent No.1-State and submits that the petitioner did not put in appearance before the trial Court intentionally and deliberately and therefore, having left with no other option, he was declared a proclaimed offender and proceedings under Section 174A IPC were initiated against him. However, he does not dispute the fact that execution was dismissed as withdrawn, in view of the compromise arrived between the petitioner and respondent No.2.

5. At this stage, Mr. Saurav Kumar Manchanda, Advocate has put in appearance on behalf of respondent No.2, who admits to the factum of compromise arrived at between the parties and dismissal of the execution petition as withdrawn in pursuance thereto.

6. I have heard learned counsel for the parties and perused the record of the case with their able assistance. With the consent of parties, the case is taken up for final disposal.

7. Admittedly, the execution petition in which the petitioner was declared proclaimed offender and FIR under Section 174A IPC was registered against

him, has been dismissed as withdrawn in view of the compromise arrived at between the petitioner and respondent No.2, no purpose would be served to continue with the FIR in question. Reference in this regard can be made to consistent view of this Court in *Vikas Sharma Vs. Gurpreet Singh Kohli and another 2017 (3) L.A.R. 584, Microqual Techno Limited and others Vs. State of Haryana and another 2015 (32) RCR (Crl.) 790 and Rajneesh Khanna Vs. State of Haryana and another 2017 (3) L.A.R. 555*. In view of the aforesaid facts and circumstances, FIR No.247 dated 28.07.2023 registered against the petitioner under Section 174A IPC at Police Station City Nuh, District Nuh is hereby quashed, subject to payment of costs of ₹10,000/- to be deposited within a period of two weeks from today with the District Legal Services Authority, Nuh for wasting precious time of the Court. In case, the costs is not deposited as directed by this Court, the order passed by this Court shall stand automatically vacated.

8. The instant petition is disposed of in above terms.

(HARPREET SINGH BRAR)
JUDGE

November 23, 2023

Pankaj*

Whether speaking/reasoned Yes/No

Whether reportable Yes/No