

SATPAL (RAJMISTRI)

Versus

STATE OF PUNJAB AND ANOTHER

.....Petitioner

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Ms. Khushika Setia, Advocate and
Mr. SS Sarwara, Advocate for the petitioner.
Mr. Athar Ahmed, DAG, Punjab.
Mr. Sanjay Khan, Advocate for respondent No.2.

HARKESH MANUJA, J. (ORAL)

By way of present petition filed under Section 482 CrPC, prayer has been made for quashing of FIR No.181 dated 02.08.2019 registered under Section 174-A of IPC at P.S. City Rajpura, District Patiala which was a consequence of declaration of petitioner as proclaimed person vide order dated 17.07.2019 passed by learned Judicial Magistrate First Class, Rajpura in relation to complaint filed against him under Section 138 of Negotiable Instruments Act, 1881.

2. Learned counsel for the petitioner submits that the matter now stand compromised and the complaint itself stands withdrawn by the complainant which is clearly reflected from the order dated 13.05.2023 passed by the Presiding officer, National Lok Adalat (Annexure P-9 at Page 17) and thus, no cause survives in the aforementioned FIR.

3. Learned counsel appearing on behalf of respondent-complainant admits the factum of settlement arrived at between the parties besides even accepting the withdrawal of complaint at his instance.

4. on the other hand, the prayer made herein has been vehemently opposed at the instance of learned State counsel while

submitting that petitioner despite having complete knowledge about the passing of the summoning order against him chose not to appear before the trial Court thereby, resulting into passing of order dated 17.07.2019 as well as registration of FIR in question against him which warrants no interference.

5. I have heard learned counsel for the parties and gone through the paper-book.

6. A perusal of the record shows that vide order dated 17.09.2019, the petitioner was declared as proclaimed person, however, on 27.10.2020 he appeared before the trial Court and was admitted to bail followed by a compromise arrived at between the parties resulting into withdrawal of the complaint by respondent on 13.05.2023. Once, the petitioner submitted himself to the jurisdiction of the trial Court and was admitted to bail followed by withdrawal of complaint, no useful purpose is going to be served by continuing with the proceedings arising out of FIR No. 181 dated 02.08.2019 registered under Section 174-A of IPC at P.S. City Rajpura, District Patiala

7. Resultantly, the present petition is allowed and the FIR No.181 dated 02.08.2019 registered under Section 174-A of IPC at P.S. City Rajpura is quashed subject to deposit of costs of Rs.10,000/- with Nishkam Sewa Group, run by Punjab and Haryana High court Lawyers at Chandigarh.

06.05.2024
Tejwinder

(HARKESH MANUJA)
JUDGE

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