

S. No.277

2024:PHHC:064348

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

CRM-M-37354 of 2022

Date of Decision:08.05.2024

Gurmeet Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Rakesh Gupta, Advocate for the petitioner.
Mr. Ramandeep Singh, Sr. DAG, Punjab.
Mr. Arun Gupta, Advocate for the complainant.

DEEPAK GUPTA, J.

By way of this petition filed under Section 482 Cr.P.C., petitioner prays for quashing the order dated 04.09.2019 (Annexure P.5) passed by learned Judicial Magistrate Ist Class, Rajpura in complaint case bearing No.COMA-114-2018 titled “Victory Oil Pump Vs. Gurmeet Singh”, under Section 138 of the NI Act, in which petitioner was declared Proclaimed Person. Petitioner also prays for quashing the consequent FIR No.78 dated 15.10.2019 registered under Section 174-A IPC registered at Police Station Ghanaur, District Patiala and all the consequential proceedings arising therefrom.

Learned counsel for the petitioner contends that the petitioner was neither served in the complaint nor he could come to know about the proclamation having been issued against him. Still further, it is contended that as soon as petitioner came to know about his being declared as Proclaimed Person, he approached the complainant of the case and the matter was compromised and complainant then withdrew the complaint in question. Copy of compromise is Annexure P.9. On the basis of statement made by the complainant, the complaint was dismissed as withdrawn vide order dated 23.03.2021 (Annexure P.10).

Status report has already been filed on behalf of the respondent-State.

Strongly opposing the petition, learned State Counsel submits that compromising of the matter in a private complaint between the two parties, cannot be a ground so as to quash the FIR under Section 174-A IPC. As per learned State Counsel, once the accused has been declared as a Proclaimed Person and FIR has been lodged, it becomes a matter between the accused and the State.

Heard.

Perusal of the paper book would reveal that in the complaint case bearing COMA-114-2018, after taking preliminary evidence, the accused – Gurmeet Singh (petitioner herein) was summoned to face prosecution under Section 138 of the NI Act vide order dated 14.02.2018 (Annexure P.1). Notice to him was issued for 30.04.2018. The order dated 13.09.2018 (Annexure P.2) would reveal that the petitioner was duly served through his wife and thus, he had gained knowledge about pendency of the complaint. Still, he did not appear which compelled the Court to issue bailable warrants against him for 03.11.2018. It is revealed further that on the next date of hearing, the bailable warrants of the accused were received back with the report that wife of the accused had informed that he was out of station. Thus, accused was fully aware about the proceedings having been made aware of the same, initially by way of summons and then by way of bailable warrants through his wife. Warrants of arrest were then issued against the petitioner which remained unserved. Proclamation under Section 82 Cr.P.C was directed to be issued vide order dated 12.06.2019 returnable on 04.09.2019, for appearance of the accused- petitioner for 04.09.2019. The order

dated 04.09.2019 (Annexure P.5) would reveal that the proclamation had been received back duly served. The statement of serving official was recorded and as the statutory period of 30 days had already elapsed and the petitioner did not surrender, so he was declared Proclaimed Person.

Learned counsel for the petitioner could not point out any illegality or any violation of Section 82 Cr.P.C.

The compromise has been effected on 20.08.2020 and then the complaint was dismissed as withdrawn on 23.03.2021. Thus, precious time of more than three years of the Court was wasted due to deliberate non-appearance of the petitioner before the Court. Simply because, the petitioner later on compromised the matter with the complainant of the case, cannot be a ground in itself so as to quash the order declaring him as a Proclaimed Person, in the absence of any violation of the provisions of Section 82 Cr.P.C.

This Court does not find any ground so as to quash the impugned order or the consequent FIR under Section 174-A IPC.

Dismissed.

May 08, 2024
renu

(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No