



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

126

CRM-M-37257-2024
Date of Decision: 02.08.2024

Shiv Kumar @ BuntyPetitioner

Vs.

State of Punjab and anotherRespondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Gagandeep Singh Virk, Advocate
for the petitioner.

KIRTI SINGH, J. (ORAL)

1. The present petition has been filed under Section 482 Cr.P.C. for quashing the impugned order dated 23.09.2022 (Annexure P-1) vide which the petitioner has been declared as proclaimed person in complaint under Section 138 of the Negotiable Instruments Act (Bearing No. NACT 74/2017, 10.10.2017, titled Rajinder Kaur vs. Shiv Kumar @ Bunty).
2. Learned counsel for the petitioner *inter alia* submits that mandatory procedure prescribed under Section 82 of Cr.P.C. has not been duly followed. He further submits that on 08.12.2018, both the parties had made a joint statement before the National Lok Adalat that the matter had been compromised and consequently the petitioner paid a sum of Rs. 30,000/- and had also given a motor cycle in lieu of the part payment and thereafter, the complainant/respondent No.2 assured that he would withdraw the said complaint. However, the complainant did not withdraw the same and the

petitioner, believing the statement of the complainant regarding compromise and



withdrawal, did not appear before the trial Court. Therefore, on 06.07.2019 the bail bonds of the petitioner were cancelled and non-bailable warrants were issued on 06.07.2019. Later when the petitioner failed to appear, the learned trial Court initiated proclamation proceedings against the petitioner vide order dated 12.08.2022 and on 23.09.2022 the learned trial Court declared the petitioner as proclaimed person.

3. He further submits that parties have now entered into an amicable settlement and has placed reliance on compromise deed dated 30.05.2024 (Annexure P-2).

4. Notice of motion.

5. On asking of the Court Mr. R.S. Thind, DAG, Punjab, accepts notice on behalf of respondent No.1-State and waives service.

6. Mr. M.S. Sidhu, Advocate puts in appearance by filing power of attorney on behalf of respondent No.2. The same is taken on record. He also verifies the factum of compromise.

7. Heard.

8. On hearing learned counsel for the parties and perusing the record, it is apparent that the matter has been compromised between the complainant-respondent No.2 and the petitioner.

9. Once the main complaint on the basis of which the petitioner has been declared a proclaimed person, has been settled on the basis of the compromise effected between both parties, it would be in the interest of justice to set aside the order dated 23.09.2022.

10. In view of the above and in the interest of justice, the present petition is allowed and order dated 23.09.2022 (Annexure P-1) is hereby set aside/quashed subject to a payment of cost of Rs.10,000/- by the petitioner to be



petitioner after depositing the cost as stated above would appear before the trial Court on 09.08.2024 and file appropriate application along with receipt of payment of cost. The trial Court would release the petitioner on bail on his furnishing fresh bail bonds to its satisfaction.

11. In case, the petitioner failed to appear before the trial Court on the next date fixed or failed to deposit the cost as stated above, this order would be of no avail to the petitioner.

(KIRTI SINIGH)
JUDGE

02.08.2024
Satyawar

Whether speaking/reasoned: Speaking
Whether reportable: Yes / No