

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-44659-2023(O&M)

Date of Decision : April 25, 2024

PARVIN JOGINDER OBHAN

.....Petitioner

VERSUS

STATE OF HARYANA & ANR

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Krishan Kanha, Advocate
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

Mr. Kshitij Goel, Advocate
for respondent No.2.

KULDEEP TIWARI, J. (Oral)

CRM-17607-2024

1. The instant application has been filed under Section 482 Cr.P.C. seeking amendment in the head note as well as in the prayer clause of the petition to make challenge the order dated 12.8.2022, whereby, the petitioner has been declared as a proclaimed person.
2. The main petition has been filed seeking quashing of FIR No.0294 dated 13.9.2022, under Section 174-A IPC, registered at Police Station Nathu Sarai Chopta, District Sirsa. Infact the above FIR was registered on the basis of the order (supra) passed by the learned trial Court concerned, therefore, it is necessary for the petitioner to challenge the order (supra) alongwith the FIR in question.

3. In view of the above, the instant application is allowed. The amended petition is taken on record.

4. The Registry is directed to place at appropriate place.

Main case

5. The present petition has been filed for seeking quashing of FIR No.0294 dated 13.9.2022, under Section 174-A IPC, registered at Police Station Nathu Sarai Chopta, District Sirsa, whereby, the petitioner has been declared as a proclaimed person.

6. The main foundation laid for seeking the relief (supra) is that the main private complaint in which the petitioner was declared as a proclaimed person, has been withdrawn as the matter has been settled on the basis of compromise.

7. It is transpired from the record that the respondent-complainant filed a criminal complaint No.NACT-1385-2018 under Section 138 of the Negotiable Instruments Act and thereupon, the petitioner was summoned vide summoning order dated 13.10.2018. Owing to his non-appearance despite his being served, the learned trial Court concerned proceeded to declare him as a proclaimed person vide order (supra). Thereupon, the FIR in question was also registered and now the matter has been compromised on 16.8.2023 and the complaint has been withdrawn vide order dated 18.8.2023.

8. Learned counsel for the petitioner has relied upon the judgment passed by this Court in “**Sher Singh Rana Vs. State of Haryana and others**”, CRM-M-20832-2021 to submit that since the main complaint has already been withdrawn, therefore, the continuation

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of the proceedings arising out of the FIR (supra) is nothing but an abuse of the process of law. The co-ordinate Bench of this Court has also held that the proceedings under Section 174-A IPC can also be quashed in case the matter has been compromised.

9. Resultantly, FIR No.0294 dated 13.9.2022, under Section 174-A IPC, registered at Police Station Nathu Sarai Chopta, District Sirsa and all the subsequent proceedings arising therefrom, are, hereby, **quashed**, subject to payment of ₹5,000/- to be deposited with the District Legal Services Authority concerned.

April 25, 2024
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(KULDEEP TIWARI)
JUDGE

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