



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210-2

CRM-M-46202-2024

Date of Decision: 10.12.2024

VIJAY KUMAR SETHI

...Petitioner

Versus

STATE OF HARYANA AND ORS

...Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present:- Mr. Roopam Jain, Advocate for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

Mr. Neeraj Sansaniwal, Advocate,
Mr. Raman Sihag, Advocate and
Mr. Gursimar Singh, Advocate for the
respondent No.4-complainant.

KIRTI SINGH, J. (Oral)

1. The present petition under Section 528 of BNSS has been filed for quashing/setting aside of proclamation order dated 25.10.2018 passed by learned ACJM, Rohtak in case titled as “*State vs. Vijay Sethi*” in FIR No.531 dated 09.11.2016, under Sections 406, 420 and 467 IPC registered at Police Station Urban Estate, District Rohtak, order dated 18.02.2019 (Annexure P-15) vide which the property of the petitioner was attached and order dated 23.04.2024 (Annexure P-43) passed by learned CJM Rohtak.

2. As per report dated 05.12.2024 of Mediation and Conciliation Centre of this Court, the parties have settled their dispute by way of an amicable agreement.

3. Learned counsel for the respondent No.4/complainant has not disputed the factum of compromise and submits that petitioner has handed over post dated cheques to the complainant.



4. Learned counsel for the petitioner while placing reliance on zimni orders submits that the trial Court has erroneously declared the petitioner as proclaimed person without considering the fact that the petitioner was never served with non-bailable warrants which were received back unexecuted and it was well within the knowledge of the learned trial Court. He further submits that there is non-compliance of mandatory provisions of Cr.P.C. and once the parties have settled the dispute then continuance of proceedings will not serve any purpose and same are liable to be set aside.

5. Heard the submissions made by learned counsel for the parties and perused the record of case.

6. The objective of the coercive mechanism prescribed under the Code of Criminal Procedure is to ensure that the accused remains present before the Court to receive the orders and punishments as are passed qua the accused. Admittedly, the parties have settled their dispute and under these circumstances it would not be unjustified to protect him from being arrested.

7. In view of the above, the present petition is allowed. Orders dated 25.10.2018, 18.02.2019 and 23.04.2024 passed by learned trial Court in case titled as ***“State vs. Vijay Sethi”*** in FIR No.531 dated 09.11.2016, under Sections 406, 420 and 467 IPC registered at Police Station Urban Estate, District Rohtak, are hereby set aside **subject to payment of cost of Rs.10,000/- by the petitioner to be deposited with the Poor Patient Welfare Fund, PGIMER Chandigarh within two weeks from today.** The petitioner after depositing the cost as stated above would appear before the trial Court within a period of one month and file appropriate application along



with receipt of payment of cost. The trial Court would release the petitioner on fresh bail bonds/surety bonds. No coercive action would be taken against the petitioner till then. In case, the petitioner fails to appear before the learned trial Court on said date or fails to deposit the cost as stated above, this order would be of no avail to the petitioner.

10.12.2024
Kavita

(KIRTI SINGH)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No