

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

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CRM-M-40413-2024***Date of decision: 03.09.2025***

Pardeep Kumar

*.....Petitioner**Versus*

State of Haryana and Anr

*.....Respondents***CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ**

Present: Mr. Sunny Tyagi, Advocate for the petitioner. (through V.C)

Mr. Vivek Chauhan, Addl.AG, Haryana.

Mr. Abhimanyu Kaushal, Legal Aid counsel for respondent No.2.

VINOD S. BHARDWAJ, J (ORAL)

1. Prayer in the present petition is for quashing of the order dated 10.07.2023 (Annexure P.1) and FIR No.1173 dated 27.07.2023 under Sections 174-A IPC registered at P.S Karnal Civil Lines, District Karnal alongwith all the subsequent proceedings arising therefrom.

2. It is submitted by the counsel for the petitioner that respondent No.2 filed a complaint against the petitioner for the commission of offence under Sections 323,325,506,120-B,34 of IPC vide Complaint No.COMI-114/2017. On the failure of the petitioner in entering appearance in the said complaint, proclamation proceedings were initiated and petitioner was declared as proclaimed person.

3. Learned counsel for the petitioner contends that the petitioner was never informed about being summoned and service was never effected upon him,



hence, the order dated 10.07.2023 declaring him proclaimed person was not justified. Hence, the FIR registered under Section 174-A IPC deserved to be quashed. He further contends that so far as the main complaint is concerned, the matter had already been settled between the parties and a statement in support thereof had been suffered by respondent No.2-complainant before the Judicial Magistrate Ist Class, Karnal on 04.07.2024 to the following effect:

*“Statement of Om Parkash S/o Illem Chand Age 74 years
R/o Village Manglora, District Karnal.*

Stated that the matter has been compromised between the parties. Therefore, I do not want to proceed the present complaint further and withdraw the same.”

4. He contends that based on the aforesaid statement, the complaint was ordered to be dismissed as withdrawn vide order dated 04.07.2024 by the learned JMIC, Karnal. It is further contended that continuing of the present proceedings would not serve any purpose and would be a futile exercise.

5. Despite service, there is no representation on behalf of respondent No.2. Hence, this Court appoints Sh. Abhimanyu Kaushal, Advocate as legal aid counsel to assist this Court on behalf of respondent No.2. He after having gone through the paper book submits that there cannot be any dispute to the order dated 04.07.2024 passed by the learned JMIC, Karnal wherein a specific reference has been given to the factum of settlement between the parties and recording of their statement in support of the compromise. He has also perused the statement of respondent No.2-complainant, which is annexed as Annexure P.3. He submits that in ordinary course, sanctity of judicial record would not be doubted.

6. In the case of **‘Sher Singh Vs. State of Haryana’** reported as **2017(2) RCR (Criminal) 47**, this Court vide judgment dated 02.05.2016 has held that an FIR under Section 174-A of IPC is not maintainable and the cognizance of the same can be taken only upon a complaint made under compliance of Section



195 Cr.P.C. Hence, in view of a bar on taking cognizance, the matter was disposed of by the trial Court.

7. Besides, considering the fact that the main case has already been settled between the parties, the present petition is allowed. FIR No.1173 dated 27.07.2023 under Sections 174-A IPC registered at P.S Karnal Civil Lines, District Karnal and all the subsequent proceedings arising therefrom are accordingly quashed qua the petitioner subject to petitioner depositing a sum of Rs.5000/- with the Haryana State Disaster Response Fund maintained in State Bank of India, New Haryana Civil Secretariat branch, Sector 17, Chandigarh (in Account No.39681102475) IFSC Code SBIN0010603 within two months from receipt of certified copy of this order.

8. A copy of this order be sent to the Legal Services Authority concerned.

September 03, 2025
manoj

(VINOD S BHARDWAJ)
JUDGE

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