

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

CRM-M No.17866 of 2017

Date of decision: 27.10.2017

Dalbir Singh

....Petitioner

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Krishan Singh, Advocate for the petitioner.

Mr. R.K. Makkad, DAG, Haryana.

Mr. Satish Chaudhary, Advocate for respondent No.2.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for quashing the complaint No.1167 of 2015 dated 12.08.2015 under Section 138 of the Negotiable Instruments Act (Annexure P1), summoning order dated 01.06.2015 passed by the Sub-Divisional Judicial Magistrate, Yamuna Nagar (Annexure P2) as well as the order dated 28.10.2016 (Annexure P3) vide which the petitioner was declared as proclaimed offender.

It is submitted on behalf of the petitioner that when the proceedings under Section 82 Cr.P.C. were initiated, the petitioner was never served at his place of residence, where he was residing and similarly, the publication was not effected at a place where the petitioner was ordinarily residing. It is further submitted that the petitioner has paid the entire cheque amount of Rs.1 lac to respondent No.2/complainant by way of a demand draft.

Counsel for respondent No.2 has not disputed the fact that the respondent No.2/complainant has already received the cheque

amount of Rs.1 lac. He has further submitted that the petitioner/accused be directed to pay the litigation expenses, as well.

Since, the parties are ad idem that the matter has been settled between them as the cheque amount stands paid to respondent No.2/complainant and the petitioner has paid an amount of Rs.5,000/- as costs of litigation expenses to counsel for respondent No.2/complainant in the Court today, the present petition is allowed, the complaint No.1167 of 2015 dated 12.08.2015 under Section 138 of the Negotiable Instruments Act (Annexure P1), summoning order dated 01.06.2015 passed by the Sub-Divisional Judicial Magistrate, Yamuna Nagar (Annexure P2) as well as the order dated 28.10.2016 (Annexure P3) vide which the petitioner was declared as proclaimed offender and the subsequent proceedings pending in pursuance thereto are ordered to be quashed.

(ARVIND SINGH SANGWAN)
JUDGE

27.10.2017
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No