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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(CRL) 361/2017 & CrI. M.A. No. 1970/2017 (exemption)

MOHINDER KUMAR UPPAL Petitioner
Through : Mr. Udham Singh, Adv.

versus

STATE (NCT OF DELHI) & ORS. Respondents
Through :Ms. Richa Kapoor, ASC & Ms.
Seema Patnaha, Mr. Ashish Negi,
Adv., SI Des Raj & HC Murari, P.S.
Vikas Puri for the State

CORAM:
HON'BLE MR. JUSTICE A.K. PATHAK

ORDER
% **22.03.2017**

By this writ petition, petitioner seeks quashing of the FIR No. 501/2016 under Section 174-A of the IPC registered at Police Station Vikaspuri, on the complaint of learned Metropolitan Magistrate-01, N.I. Act, South West District, Dwarka Courts, Delhi.

One Prem Chand Saini filed a complaint bearing CC No. 7178/2015 titled Prem Chand Saini vs. M.K. Uppal under Section 138 of the Negotiable Instruments Act, 1881 ("the Act", for short). In the said case, petitioner was declared proclaimed offender vide order dated 3rd June, 2016. Accordingly,

FIR under Section 174-A of the IPC was registered on the complaint of learned Metropolitan Magistrate. Section 174-A of the IPC envisages that whoever fails to appear at the specified place and the specified time, as required by a proclamation published under sub-section (1) of Section 82 of the Code of Criminal Procedure, 1973 shall be punished with imprisonment for a term, which may extend to three years or with fine or with both, and where a declaration has been made under sub-section (4) of that section pronouncing him as a proclaimed offender, he shall be punished with imprisonment for a term which may extend to seven years and shall also be liable to fine.

Learned counsel for the petitioner submits that petitioner did not appear in the complaint case as the matter was settled between the petitioner and the complainant Prem Chand Saini on 18th February, 2011 in the court, inasmuch as the entire settled amount was paid to the complainant Prem Chand Saini. A perusal of Annexure – B, which is the statement of Prem Chand Saini dated 4th October, 2016 recorded by the learned Metropolitan Magistrate shows that a settlement was arrived at between him and the petitioner for a sum of ₹2,80,000/- on 18th February, 2011, inasmuch as the settled amount was also paid.

For the foregoing reasons, in the interest of justice, FIR No.501/2016 under Section 174-A IPC registered at Police Station Vikaspuri and the consequent proceedings emanating therefrom are quashed.

Petition is disposed of in the above terms. Miscellaneous application is disposed of as infructuous. Dasti.

A.K. PATHAK, J.

MARCH 22, 2017

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