

CRM-M-12916-2018 (O&M)
CRM-M-12941-2018 (O&M)
CRM-M-12915-2018 (O&M)
CRM-M-14296-2018 (O&M)

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-12916-2018 (O&M)
Decided on:-November 26th , 2018.

SANDEEP JAIN

Versus

.....Petitioner.

STATE OF HARYANA AND ANR

.....Respondents.

CRM-M-12941-2018 (O&M)

SANDEEP JAIN

Versus

.....Petitioner.

STATE OF HARYANA AND ANR

.....Respondents.

CRM-M-12915-2018 (O&M)

SANDEEP JAIN

Versus

.....Petitioner.

STATE OF HARYANA AND ANR

.....Respondents.

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CRM-M-14296-2018 (O&M)

SANDEEP JAIN

.....Petitioner.

Versus

STATE OF HARYANA AND ANR

.....Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Kartik Gupta, Advocate
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG Punjab
assisted by Mr. Vikram, ASI, Police Station Central Faridabad.

HARI PAL VERMA, J. (ORAL)

Through this common order all the four connected petitions are
being decided together.

However for convenience, the facts are being taken from CRM-
M-12916-2018 titled as **“Sandeep Jain Vs. The State of Haryana and
another”, as under:**

Prayer in this petition filed under Section 482 Cr.P.C. is for
quashing of F.I.R. No.1108 dated 03.10.2017 under Section 174-A IPC,
registered at Police Station Faridabad Central, District Faridabad (Annexure
P-1) and all subsequent proceedings arising therefrom.

Briefly stated the respondent No.2-complainant Geeta Rani had
filed a complaint under Section 138 of the Negotiable Instruments Act, 1881

(for short, the NIA Act) against the petitioner on the allegations that the

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petitioner has failed to make the payment of the cheque amount in discharge of his legally enforceable liability .

In the said complaint the petitioner was declared a Proclaimed Offender vide order dated 21.09.2017 and an F.I.R. was ordered to be registered against the petitioner-accused. Accordingly an F.I.R. No.1108 dated 03.10.2017 under Section 174-A IPC, was registered at Police Station Faridabad Central, District Faridabad against the petitioner.

Learned counsel for the petitioner has sought quashing of the FIR and the connected FIRs in the connected cases. He has argued that apart from the fact that the matter has been compromised between the parties and resultantly the complaint was consigned to records by the learned Judicial Magistrate First Class, Faridabad vide his order dated 12.03.2018, no further proceedings are pending in the complaints. The factual position is that the petitioner was regularly putting in appearance in the complaint case on each date. However, on 14.08.2017 when the case was listed before the trial Court, the petitioner had noted the date as 21.08.2018 instead of 14.08.2017, and for this reason could not appear on 14.08.2017 before the trial Court. In this manner the petitioner could not appear before the trial Court on 14.08.2017 because of noting a wrong date. This non-appearance on 14.08.2017, led to the registration of the FIR against him for the offence under Section 174A IPC. However the moment the petitioner came to know that he was declared a Proclaimed Offender the petitioner challenged the PO order dated 21.09.2017 by filing **CRM-M-39053 of 2017** along with other connected petitions wherein the following order was passed:-

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“These petitions are directed against the impugned order passed by Judicial Magistrate First Class, Faridabad on 21.09.2017.

Learned counsel for the respondent-complainant submits that on account of pendency of the present petitions, the trial in the Ld. Court below is being unnecessarily delayed and in the given circumstances, he has no objection, if the prayer of the petitioner-accused is allowed so as to restore the trial proceedings.

In view of the above submission, the matter is disposed off with a direction that operation of the impugned order passed by the Ld. Trial Court shall remain stayed for a period of 10 days from today. In the meantime, the petitioner shall surrender before the Ld. Trial Court and seek fresh bail.

After the aforesaid date, this order shall automatically stand vacated. Ld. Trial Court is further directed to complete the trial as expeditiously as possible and preferably within two months from the date of communication of this order since it transpires that evidence in the case has already been completed.”

It has been argued that once the matter has been compromised between the parties and the complaint has been consigned to records the very proceeding under Section 174-A IPC are nothing but harassment to the petitioner. The petitioner could not appear before the trial Court because of noting a wrong date. Therefore in these circumstances the order dated 14.08.2017 and F.I.R. No.1108 dated 03.10.2017 under Section 174-A IPC, registered at Police Station Faridabad Central, District Faridabad deserves to be quashed. In support of the same petitioner has relied upon the order dated

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13.09.2017 passed by a coordinate Bench of this Court in *CRM No. M-32465 of 2017* titled as *Vikas Sharma Versus Gurpreet Singh Kohli and another*.

Learned State counsel on instructions from ASI Vikram states that once the petitioner has not appeared before the trial Court despite having been served in the case he has rightly been declared a Proclaimed Offender and proceeded against by registration of an FIR.

I have heard learned counsel for the parties.

Considering the fact that the FIR was registered because of non-appearance on part of the petitioner, but noticing the fact that the matter has been compromised between the parties and the very complaint has been consigned to the records by the trial Court, this Court finds that the proceedings against the petitioner under Section 174-A IPC would be a sheer abuse of the process of law.

Consequently all the petitions are allowed and F.I.R. No.1108 dated 03.10.2017 under Section 174-A IPC, registered at Police Station Faridabad Central, District Faridabad as well as FIR No. 1098 dated 03.10.2017 under Section 174-A IPC, registered at Police Station Faridabad Central, District Faridabad, F.I.R. No.1109 dated 03.10.2017 under Section 174-A IPC, registered at Police Station Faridabad Central, District Faridabad F.I.R. No.1107 dated 03.10.2017 under Section 174-A IPC, registered at Police Station Faridabad Central, District Faridabad and all subsequent proceedings arising therefrom are hereby quashed qua the petitioner.

However, this would be subject to payment of Rs. 2500/- as costs in each

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petition to be deposited with the District Legal Services Authority,
Faridabad.

November 26, 2018
tarun

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No