

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

CRM-M No.3652 of 2018 (O&M)

Date of Decision:- 19.03.2019

Baljeet Kaur

.....Petitioner

V/S

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present : Mr.Keshav Pratap Singh, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Mr. Gaurav Sethi, Advocate
for respondent No.2.

HARINDER SINGH SIDHU J.

This petition has been filed for quashing of order dated 22.02.2014 (Annexure P-1), whereby the petitioner has been declared proclaimed offender. Further prayer is to quash the FIR No.158 dated 16.05.2015 (Annexure P-2) under Section 174-A , registered at Police Station Ambala and order dated 23.09.2015 by which the petitioner has been charge-sheeted for the offence under Section 174-A IPC.

Respondent No.2 filed a complaint under Section 138 of Negotiable Instruments Act, 1881 against the petitioner. It is the case of the petitioner that in the said complaint, no notice issued to her, hence she could not appear before the trial Court. The petitioner was declared proclaimed offender vide order dated 22.02.2014 by the JMIC, Ambala. It is further averred that when the petitioner came to know about the pendency of the complaint, she appeared and secured regular bail vide order dated 03.03.2016 of JMIC, Ambala. The petitioner was convicted for the offence under Section 138 of the Act and sentenced to undergo simple imprisonment of 2 years and pay the

The petitioner challenged the aforesaid order before the learned Additional Sessions Judge, Ambala. During the pendency of the appeal, the matter was settled between petitioner and respondent No.2. The petitioner paid the cheque amount to respondent No.2. In view of the settlement arrived between the parties, the petitioner was acquitted vide judgment dated 20.09.2016 of the learned Additional Sessions Judge, Ambala.

Meanwhile, FIR No.158 dated 16.05.2015, under Section 174 IPC Police Station Ambala City was registered against the petitioner and she has been charge-sheeted for the said offence.

Learned counsel for the petitioner contends that the petitioner having been acquitted of the offence under Section 138 of the Act, the proceedings in the FIR under Section 174-A IPC be quashed. He states that petitioner never received the summons regarding the institution of the criminal complaint and even the bailable warrants issued against the petitioner were received back unexecuted.

In view of the facts and circumstances as the petitioner has been acquitted in the main case under Section 138 of the Act on the basis of the compromise between the parties, this petition is allowed. FIR No.158 dated 16.05.2015 under Section 174-A registered at Police Station Ambala City is quashed with all consequential proceedings arising therefrom including the order dated 22.02.2014 (Annexure P-1) and order dated 23.09.2015 (Annexure P-3) are also quashed.

(HARINDER SINGH SIDHU)
JUDGE

19.03.2019

Atul

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No