

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

CRM-M No. 3716 of 2018 (O&M)

Date of decision: - 08.01.2020

Baljeet Kaur

...Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

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

Mr. Rahul Mohan, DAG, Haryana.
HC Subhash.

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

HARNARESH SINGH GILL, J. (ORAL)

The petitioner has filed this petition under Section 482 Cr.P.C. for quashing of order dated 22.03.2014 (Annexure P-1), vide which the petitioner was declared proclaimed person and further for quashing of FIR No. 224 dated 09.07.2015 (Annexure P-2) registered under Section 174-A IPC at Police Station Ambala City, Ambala, and order dated 11.09.2015 (Annexure P-3), vide which the petitioner has been charge-sheeted for the offence under Section 174-A IPC.

In the present case, complainant-respondent No. 2-Vallabh Jain filed a complaint under Section 138 of Negotiable Instruments Act, 1881 against the petitioner but the petitioner could not appear before the Magistrate as the summons were not received by her. Thereafter, the

petitioner was declared proclaimed person, vide order dated 22.03.2014 passed by the learned Judicial Magistrate 1st Class, Ambala. Later on when the petitioner came to know regarding the pendency of the complaint, she appeared before the learned Judicial Magistrate 1st Class.

During the pendency of the complaint, compromise was effected between the parties before the learned Court below. Regarding the compromise respondent No. 2-complainant stated in writing before the learned Magistrate that he does not want to pursue the present complaint and the same may be dismissed. Accordingly, vide order dated 23.07.2015 (Annexure P-4), the complaint was ordered to be dismissed as withdrawn and the petitioner-accused was acquitted from the allegation levelled against her. The FIR No. 224 was registered against the petitioner on 09.07.2015.

Learned counsel for the petitioner contended that the petitioner has been acquitted from the offence under Section 138 of Negotiable Instruments Act, 1881 and the proceedings in the FIR registered under Section 174-A IPC be quashed, as the petitioner never received summons regarding the institution of the said complaint case. Learned counsel for the petitioner relied upon the judgment passed by this Court in '**Microqual Techno Limited and others Vs. State of Haryana and another**' 2015(32) RCR (Criminal) 790.

Since the matter has been compromised between the parties and the learned Judicial Magistrate 1st Class, Ambala, vide order dated 23.07.2015 (Annexure P-4), has acquitted the petitioner on the statement of respondent No. 2-complainant that he does not want to pursue with the complaint.

In view of the above facts and circumstances, the petition is allowed. The FIR No. 224 dated 09.07.2015 registered under Section 174-A IPC at Police Station Ambala City is quashed alongwith all consequential proceedings arising therein, including the order dated 22.03.2014 (Annexure P-1) and order dated 11.09.2015 (Annexure P-3).

(HARNARESH SINGH GILL)
JUDGE

08.01.2020

Mangal Singh

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No