

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
206+122 CRM-M-1093 of 2021 (O&M)
Date of Decision: 28.01.2021

Harmesh Singh ...Petitioner
Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Shiv Narayan, Advocate, for the petitioner.
Mr. Surender Singh, AAG, Haryana.

AMOL RATTAN SINGH, J. (Oral)

Case heard by video conferencing.

CRM no.2096 of 2021

Pursuant to the last order passed, this application has been filed seeking to place on record the summoning orders issued by the trial court in the complaint instituted against the petitioner under the provisions of Section 138 of the Negotiable Instruments Act, 1881.

Notice in the application, with Mr. Surender Singh, learned AAG, Haryana, accepting notice on behalf of the respondent State, on the asking of the court. He does not oppose the application, the documents sought to be placed on record simply being copies of the order of the trial court.

Consequently, the application is allowed and the documents ordered to be taken on record as Annexure P-3 (colly) with the accompanying petition.

Main case

Learned counsel for the petitioner submits that in fact the complaint instituted against the petitioner by the complainant bank itself has

been withdrawn. However, as pointed out by learned State counsel, in paragraph 3 of the petition, the petitioner has admitted that he had received summons from the bank, after which he approached the bank officials who told him that they would be withdrawing the complaint, with it eventually withdrawn in October 2020.

What needs to be noticed by this court that the present petition is one seeking quashing of the FIR alleging therein the commission of an offence punishable under Section 174A of the IPC, with the said criminal case registered on account of the petitioner not answering the summons/notices/warrants issued by the trial court to secure his presence.

The first summons are shown to have been issued on 29.11.2017 and consequently it is obvious that the petitioner never bothered to answer those summons for a period of almost three years.

Hence, even while allowing this petition in view of the fact that the complaint instituted under the provisions of Section 138 of the Act of 1881 against the petitioner has been withdrawn by the complainant therein, yet quashing of the FIR vide this order will be subject to the petitioner depositing costs of Rs.10,000/- to the Poor Patients Welfare Fund in the PGIMER, Chandigarh, within a period of one month from today.

Upon deposit of such costs, and upon a receipt to that effect produced before the learned Registrar (Judicial) of this court, FIR no.163, dated 15.02.2020, registered at Police Station Baldev Nagar, Ambala, for the alleged commission of an offence punishable under Section 174-A of the IPC, along with the consequential proceedings emanating therefrom, would

stand quashed.

However, if the said amount is not deposited with proof thereof not given to the Registry of this court, the case file will be put up before this court in the first week of March for an appropriate order.

Naturally, in view of the above, the impugned order declaring the petitioner to be a proclaimed person on 31.07.2019, shall also stand quashed, subject to the cost imposed herein above being paid within one month.

28.01.2021
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(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: No