

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

CRM-M-1505 of 2020(O&M)

Date of Decision: 25.02.2021

Komal

....Petitioner

Versus

State of Haryana and another

....Respondents

CORAM:HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. R.S. Budhwar, Advocate
for the petitioner.

HARINDER SINGH SIDHU, J.

CRM-4418 of 2021:

Present application has been filed under Section 482 Cr.P.C. for placing on record the Annexures P-4 to P-7.

For the reasons enumerated in the application, the same is allowed and the documents are taken on record.

CRM-4419 of 2021:

Present application has been filed under Section 482 Cr.P.C. for pre-poning the date of the main case i.e. **CRM-M-1505 of 2020**, which is fixed for 25.05.2021.

Notice of the application.

Mr. Tapan Kumar Yadav, DAG, Haryana accepts notice on behalf of respondent-State.

For the reasons mentioned in the application, the same is allowed and the main case is taken up today itself for hearing.

CRM-M-1505 of 2020:

Present petition has been filed under Section 482 Cr.P.C. for quashing of order dated 01.04.2017(P-2) passed by learned Judicial Magistrate First Class, Yamunanagar at Jagadhri, whereby, the petitioner has been declared proclaimed person.

Respondent No.2 had filed a complaint under Section 138 of the Negotiable Instruments Act, 1881 against the petitioner for dishonor of cheque dated 15.02.2016 amounting to Rs.2,39,325/-. However, the petitioner failed to appear before the learned trial Court and he was declared a proclaimed person vide order dated 01.04.2017.

Learned counsel for the petitioner states that the said order has not been passed in compliance of the provisions of Section 82(1) of the Code of Criminal Procedure 1973. He also states that the mandatory notice of 30 days was not issued for appearance of the petitioner after publication of the proclamation. He further states that the complaint was referred to Lok Adalat and settlement was arrived at between the parties and in accordance therewith the complaint was dismissed as withdrawn.

In this regard, he has referred to the orders dated 23.11.2020 (P-5) passed by learned Judicial Magistrate First Class, Yamunanagar at Jagadhri and 12.12.2020(P-6) passed by Preisdng Officer, National Lok Adalat-cum-District Judge, Yamunanagar respectively.

Learned counsel for the petitioner has relied upon the decisions of this Court passed in CRM-M-19636 of 2018 (**Vikas Gupta vs. State of Haryana and others**) dated 01.08.2018 and CRM-M-43813 of 2018 (**Baldev Chand Bansal vs. State of Haryana and another**) dated 29.01.2019. In both

the cases, though the matter was compromised between the parties, but the petitioners therein were facing proceedings under Section 174-A of the IPC. The said proceedings were quashed considering the main FIR having been compromised. In Vikas Gupta's case (supra), it was held:

“In view of these facts and circumstances, this Court feels that since the main FIR has already been compromised between the parties and is not going to proceed further, therefore, it would not be justified to make the petitioner to face trial only for an offence under Section 174-A of the IPC. Therefore, even the FIR No.138 dated 09.04.2018, which pertains to offence under Section 174-A of the IPC deserves to be quashed.”

In view of the above and the matter being settled between the parties and the complaint has since been dismissed as withdrawn the continuation of proceedings under Section 174-A of IPC would not be in the interest of justice. Consequently, the present petition is allowed and the order dated 01.04.2017(P-2) along with all consequential proceedings, is hereby quashed.

February 25, 2021

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(HARINDER SINGH SIDHU)
JUDGE

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No