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

**CRM-M-16101-2020
Date of Decision: 11.01.2021**

Jagat Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Yashveer Kharb, Advocate for the petitioner.

Mr. Vishal Malik, DAG, Haryana,
for the respondent-State.

SUDIP AHLUWALIA, J. (ORAL)

This petition has been filed under Section 482 of the Cr.P.C. seeking quashing of order dated 09.08.2019 (Annexure P-1) passed by the Ld. Judicial Magistrate Ist Class, Hisar, whereby the petitioner has been declared as a Proclaimed Person in case NACT-159 of 2018 titled as M/s Mescot Pharmaceutical Vs. M/s J.B. Pharma Etc. dated 12.01.2018 and for quashing of the consequential FIR No.0208, dated 03.04.2020, under Section 174-A IPC registered at Police Station Hisar Sadar, District Hisar (Annexure P-3).

[2]. Background of the matter is that NACT-159 of 2018 had been filed against the petitioner, who is the sole Proprietor of the Firm M/s J.B. Pharma, under Section 138 of the N.I. Act.

[3]. His contention in Para No.5 of the petition is that the summons were not actually served upon him, and that the Ld. JMIC, Hisar, without appreciating this fact, on 09.08.2019, vide the impugned order (Annexure P-1) declared him to be a Proclaimed Person, following which the aforesaid

FIR was drawn up against him.

[4]. It has been further submitted that subsequently the original complaint was dismissed as withdrawn by the complainant himself, in view of the amicable compromise arrived at between the parties, as can be seen from the order passed by the Ld. Trial Court on 01.11.2019 (Annexure P-2).

[5]. Reliance of the petitioner is on “Vikas Sharma Vs. Gurpreet Singh Kohli and another”, 2017 (3) L.A.R. 584, “Microqual Techno Limited and others Vs. State of Haryana and another” 2015(32) RCR (Criminal) 790, “Ved Parkash Vs. State of Haryana”, (CRM-M-21242-2018 & CRM-M-21226-2018 decided on 21.05.2019) and “Rajneesh Khanna Vs. State of Haryana and another” 2017(3) L.A.R. 555, wherein in virtually identical circumstances, this Court has held that since the main complaint filed under Section 138 of the N.I. Act stands decided on the basis of amicable settlement between the parties, continuation of proceedings under Section 174-A of the IPC shall be nothing but an abuse of the process of law.

[6]. Accordingly, in view of the facts and circumstances of the case and also in view of the judgments relied upon by the counsel for the petitioner, this petition is allowed and FIR No.0208, dated 03.04.2020, under Section 174-A IPC registered at Police Station Hisar Sadar, Hisar (Annexure P-3) is hereby quashed along with all the subsequent proceedings.

[7]. Disposed off.

11.01.2021

(SUDIP AHLUWALIA)
JUDGE

Bhumika

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No