

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

**CRM-M-20428-2021(O&M)
Date of Decision: July 02, 2021**

Gurpreet Singh

....Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Gulzar Mohammed, Advocate for the petitioner.

HARINDER SINGH SIDHU, J.

Present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.270 dated 13.12.2020, under Section 174-A IPC, registered at Police Station Kartarpur, Jalandhar Rural.

A complaint under Section 138 of the Negotiable Instruments Act was filed by the complainant-Bank of India, wherein, the petitioner was summoned to face trial. He was never served in the case and ultimately, vide order dated 10.02.2020 he was declared as proclaimed person due to his non-appearance in the proceedings.

Notice of motion.

Mr. Sarabjit Singh, AAG, Punjab accepts notice on behalf of respondent/State.

Learned counsel for the petitioner submits that no proper service was ever effected on the petitioner. It is also contended that proper procedure has not been followed while declaring the petitioner as

proclaimed person. The mandatory thirty days notice between the service of proclamation and requiring the presence of the petitioner was not given to the petitioner. It is further contended that the matter has been compromised with the complainant-bank before Lok Adalat and the complaint was dismissed as withdrawn and the petitioner has since been discharged. He has referred to the order dated 10.04.2021 (Annexure P-10) passed by Presiding Officer, National Lok-Adalat, Jalandhar. It is contended that it was never the intention of the petitioner to evade the process of the Court.

After having heard learned counsel for the parties and taking into account facts of the present case, particularly that the matter has been compromised between the petitioner and the Bank, and that the Bank has since withdrawn the complaint, wherein, presence of the petitioner was sought to be procured, no useful purpose would be served by continuing the proceedings under Section 174-A IPC.

Accordingly, this petition is allowed and the FIR No.270 dated 13.12.2020, under Section 174-A IPC, registered at Police Station Kartarpur, Jalandhar Rural and all subsequent proceedings arising out of the same, are quashed.

July 02, 2021
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(HARINDER SINGH SIDHU)
JUDGE

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No