

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CRM-M-29758-2021**

DATE OF DECISION: OCTOBER 11, 2021

ISHANT GUPTA

...PETITIONER

VERSUS

STATE OF PUNJAB & ANOTHER

...RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.**

PRESENT: MR. AMANDEEP SAINI, ADVOCATE FOR THE PETITIONER.  
MR. RAMANDEEP SANDHU, SR.DAG, PUNJAB.

**MANOJ BAJAJ, J.(ORAL)**

Petitioner has filed this petition under Section 482 Cr.P.C. for quashing the impugned order dated 25.4.2018 (Annexure P-12), passed by the Sub Divisional Judicial Magistrate, Khamano, District Fatehgarh Sahib vide which the petitioner was declared proclaimed offender in case NACT No.43 of 2016, under Section 138 Negotiable Instruments Act read with Section 142 of the Act and Section 420 IPC.

On 30.7.2021, the following order was passed:-

*“Learned counsel contends that the subject complaint is founded upon dishonour of a cheque amounting to Rs.20,000/-, wherein the address of the accused was not correctly mentioned, therefore, no effective service of summons took place. Learned counsel has pointed out that vide order dated 25.04.2018, the petitioner has been declared as a proclaimed person, who is willing to settle the dispute by making the payment to the complainant and ready to compound the offence, by moving an application under Section 147*

*Negotiable Instruments Act.*

*Notice of motion for 11.10.2021.*

*Let the petitioner submit himself before the learned trial Court on or before 05.08.2021 and would do the needful. In case, the petitioner makes the above compliance, he shall be admitted on interim regular bail subject to his furnishing requisite bail bonds and surety bonds to the satisfaction of the Court.”*

Learned counsel for the petitioner has produced the copy of the order dated 17.8.2021, passed by the trial Court, whereby the complaint has been withdrawn by the complainant after arriving at a settlement with the accused.

In view of the above, the order dated 25.4.2018 (Annexure P-12), passed by the Sub Divisional Judicial Magistrate, Khamano, District Fatehgarh Sahib declaring the petitioner as proclaimed offender is set aside.

Petition is allowed.

October 11, 2021  
Gulati

**(MANOJ BAJAJ)**  
**JUDGE**

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No