

Dinesh Gupta and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Govind Chauhan, Advocate,
for the applicants/petitioners.

Mr. Surender Singh, AAG, Haryana.

AMOL RATTAN SINGH, J. (Oral)

Case heard by video conferencing.

CRM-9225-2021

Pursuant to the previous orders passed, today this application has been filed, annexing therewith a discharge summary dated 22.02.2021, shown to be issued by the Medanta Hospital, Gurugram, with it stated therein that petitioner no.2 is undergoing chemotherapy.

The next document is an affidavit executed by petitioner no.1, Dinesh Gupta, dated 22.03.2021, stating to the effect that he is the son of petitioner no.2 and that he could not appear/surrender before the trial court even pursuant to the order dated 02.12.2020, as his father was found to suffering from cancer, and with his mother already having died in the year 2014, he and his sisters were required to looked after his father.

Notice in the application, with Mr. Surender Singh, AAG, Haryana, accepting notice at the asking of the court on behalf of the respondent State.

Looking at the nature of the matter, the application is allowed and the aforesaid documents are ordered to be taken on record as Annexure P-6 and P-7 with the accompanying petition.

CRM-M-39671-2020

By this petition, the petitioners seek quashing of FIR No.219, dated 09.02.2020, registered at Police Station Panipat City, Panipat, alleging therein the commission of offences punishable under the provisions of Sections 174-A of the IPC, as also all other subsequent proceedings arising therefrom.

In view of the above, and with learned counsel for the petitioners submitting that the complaint instituted by the complainant under the provisions of Section 138 of the Negotiable Instruments Act, 1881, already has been withdrawn (reference the order of the learned JMIC, Panipat, dated 03.04.2019, copy Annexure P-3), I would see no reason to not allow this petition.

Consequently, this petition is allowed, with the impugned FIR No.219, dated 09.02.2020, registered at Police Station Panipat City, Panipat, alleging therein the commission of offences punishable under the provisions of Sections 174-A of the IPC, along with all proceedings emanating therefrom, is hereby quashed, and the impugned order dated 01.03.2019 (copy Annexure P-2), declaring the petitioners to be proclaimed persons, is set aside.

It is to be noticed that learned State counsel has submitted that there are 9 other such FIRs registered against the petitioners, again under the provisions of Section 174-A of the IPC, and therefore, the impugned order and the FIR may not be quashed.

Even taking that into consideration, looking at the fact that petitioner no.2 is suffering from cancer and is undergoing chemotherapy, with petitioner no.1 being his son looking after him and the criminal complaint in the context of which they were declared to be proclaimed persons, already having been withdrawn, even though proceedings under Section 174-A of the IPC are otherwise independent proceedings, I would see no reason to not pass this order.

March 24, 2021

dharamvir

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned : YES/NO
Whether Reportable : YES/NO