

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No. 6727 of 2022
Reserved on 23.08.2022
Pronounced on : 29.08.2022

Sushil Dhiraj Lal Mehta and anotherPetitioners

Vs.

State of HaryanaRespondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Dinesh K. Chaudhary, Advocate for the petitioners.

Mr. Rajat Gautam, DAG, Haryana

ANOOP CHITKARA J.

Criminal Complaint	CIS No.7072/15 Date of decision:14.09.2021 under Section 138 of the Negotiable Instruments Act, District Gurgaon
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FIR No.	Dated	Police Station	Sections
0138/2018	30.03.2018	Udyog Vihar, Gurugram	174A IPC

Seeking quashing of aforesaid FIR as well as proclamation order dated 15.11.2016, passed by the Ld. JMIC Gurgaon, the accused has come up before this court under Section 482 CrPC.

2. After dishonour of cheque handed over by the petitioner to second respondent, the respondent had filed a complaint against the petitioner under section 138 of Negotiable Instruments Act, 1881.
3. The accused could not be served through the ordinary process, including summons, bailable warrants, and even non-bailable warrants. The concerned court finally proceeded against the petitioner under section 82 of CrPC and declared the petitioner a proclaimed offender vide aforesaid order.
4. After issuance of proclamation, the complainant was duly compensated. The factum of

payment was recorded by Ld. Trial Court in its order dated 26-08-2021. On 14-09-2021, the complainant did not object to the settlement and dropping the proceedings against the petitioner and vide order dated 14-09-2021 the complaint was dismissed as withdrawn.

5. The primary matter stands dismissed as withdrawn; there is no justification for continuing the ancillary proceedings under section 174-A IPC. Consequently, in the facts and circumstances peculiar to this case, the petition is allowed, the above captioned impugned order dated 14-10-2016, passed by the Ld. JMIC Gurgaon and the FIR mentioned above, are quashed qua the petitioners only. All pending warrants stand canceled, and further proceedings quashed.

Petition allowed. All pending applications, if any, stand closed.

(ANOOP CHITKARA)
JUDGE

29.08.2022
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Whether speaking/reasoned: Yes
Whether reportable: **No.**