

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

115

CRM-M-6952-2022

Date of Decision: 18.02.2022

Mahabir

....Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Vikas Bishnoi, Advocate for the petitioner.

Mr. V.G. Jauhar, Sr. DAG, Punjab.

HARINDER SINGH SIDHU, J.

Present petition has been filed praying inter alia for quashing of FIR No. 44 dated 20.01.2022, under Section 174-A IPC, registered against the petitioner at Police Station Adampur, Hisar consequent upon his being declared as a Proclaimed Person vide order dated 23.12.2021, passed by learned Judicial Magistrate First Class, Exclusive Court N.I. Act, Hisar.

Respondent No.2 had filed a complaint under Section 138/141 of Negotiable Instruments Act, 1881 against the petitioner with the allegations that the petitioner had taken a loan of an amount of Rs. 2,50,000/- on 15.07.2016 and Rs. 50,000/- on 11.07.20217 for the purpose of Water Conveyance System. As part repayment of the said loan, the petitioner had issued cheque dated 31.10.20218 for an amount of Rs. 60,000/-. However, the cheque when presented was dishonoured which led to filing of the complaint. The petitioner was declared as Proclaimed Person vide order dated 23.12.2021 because of the his non-appearance. The petitioner surrendered before the Court

on 27.01.2022 and was released on bail. On account of his being declared as proclaimed person FIR under Section 174-A IPC was registered against the petitioner. Thereafter, the petitioner paid the entire outstanding loan amount to respondent No.2, whereafter, the complaint filed by respondent No.2 was dismissed as withdrawn Vide order dated 08.02.2022 (P-3) passed by the Presiding Officer, Daily Lok Adalat-cum-Judicial Magistrate First Class, Exclusive Court N.I. Act, Hisar.

Learned counsel for the petitioner submits that as the complaint has been dismissed as withdrawn and the entire amount has been paid and consequent upon the petitioner being declared Proclaimed person he appeared before the Court and was released on bail, the continuance of the proceedings under Section 174-A IPC would not be in the interest of justice.

In view of the aforesaid facts, the present petition is allowed FIR No. 44 dated 20.01.2022, under Section 174-A IPC, registered against the petitioner at Police Station Adampur, Hisar alongwith all consequential proceedings is hereby quashed, subject to his depositing an amount of Rs.5,000/- (Five thousand only) with the Director PGIMER, Chandigarh Poor Patient Welfare Fund.

[HARINDER SINGH SIDHU]
JUDGE

January 18, 2022

rashmi

Whether speaking/reasoned
Whether reportable?

Yes/no
Yes/no