

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No.6014 of 2020
Reserved on : 22.09.2022
Pronounced on : 26.09.2022

Sunil SharmaPetitioner

Vs.

State of Haryana and anotherRespondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Neeraj Sheoran, Advocate for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

ANOOP CHITKARA J.

Criminal Complaint	No. 9683/2015, under Section 138 of the Negotiable Instruments Act, District Gurgaon titled as Jaswant Kumar vs. M/s Sunrise Logistics and others, decided on 08.09.2018
--------------------	--

and

FIR No.	Dated	Police Station	Sections
1360	13.12.2016	City Gurgaon Sadar (Gurugram)	174-A IPC

Seeking quashing of order of proclamation and aforesaid FIR, registered on the directions of learned JMIC, Gurgaon (Gurugram), the accused has come up before this court under Section 482 CrPC.

- After dishonor of cheque drawn and failure of response by the petitioner to the notice to pay the cheque amount, the complainant/respondent, the second respondent, filed a complaint against the petitioner under section 138 of The Negotiable Instruments Act, 1881.
- 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, and also order registration of FIR. Based on such complaint, the police registered the above-mentioned FIR against the petitioner.
- After issuance of proclamation, the matter got settled between the parties. The factum

of compromise was recorded by the Lok Adalat in its sitting dated 08-09-2018. Vide order dated 08-09-2018, passed by Presiding Officer, National Lok Adalat, Gurugram, the complaint was dismissed as withdrawn.

5. In the case's factual background, I am satisfied with the explanation offered. The primary matter stands dismissed as withdrawn; there is no justification for continuing the ancillary proceedings under section 174-A IPC.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 impugned order dated 31-05-2016, passed by JMJC Gurugram, and the above captioned FIR Annexure P-2 with all consequential proceedings, are quashed qua the petitioner. All pending warrants stand canceled, and further proceedings quashed.

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

(ANOOP CHITKARA)
JUDGE

26.09.2022
anju rani

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