

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

CRM-M-11851-2022

Date of Decision: March 21, 2022

Sudhir Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present:- Ms. Arshnoor Kaur, Advocate for
Mr. Pavinder Singh Bedi, Advocate for the petitioner.

(Through video conferencing)

HARINDER SINGH SIDHU, J.

Present petition filed under Section 482 Cr.P.C. is for quashing of FIR No.0476, dated 02.11.2019, registered under Section 174-A of IPC at Police Station Sector-5, Panchkula, on the basis of non-appearance of the petitioner.

A complaint under Section 138 of the Negotiable Instruments Act, 1881 was filed against the petitioner on account of dishonour of a cheque of an amount of Rs.1,10,000/-.

On account of the failure of the petitioner to attend the Court, proclamation proceedings were initiated against him vide order dated 06.08.2019 and he was declared a proclaimed person vide order dated 07.12.2019. FIR under section 174-A IPC was consequently registered against him. A compromise was effected between the petitioner and the complainant on 06.08.2020 because of which the complainant withdrew the complaint on the same date i.e. 06.08.2020.

Learned counsel for the petitioner submits that the procedure as contemplated under section 82 Cr.P.C. was not complied with before

the petitioner was declared a proclaimed person. In any case, he submits that in view of the complaint having been withdrawn the continuance of the proceedings under Section 174-A IPC, would not be in the interest of justice.

Consequently, the present petition is allowed. FIR No.0476, dated 02.11.2019, registered under Section 174-A of IPC at Police Station Sector-5, Panchkula, and all consequential proceedings are quashed. This shall however be subject to deposit by the petitioner of an amount of Rs.10,000/- with the Director of PGIMER, Poor Patient Welfare Funds, Chandigarh.

Disposed of accordingly.

March 21, 2022

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(HARINDER SINGH SIDHU)

JUDGE

Whether reasoned/speaking: Yes

Whether reportable: No