

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No. 12374 of 2022
Reserved on 16.08.2022
Pronounced on : 26.08.2022

KrishanPetitioner

Vs.

State of Haryana and anotherRespondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Ashwani Kumar Antil, Advocate for the petitioner.

Mr. Manish Bansal, DAG, Haryana

ANOOP CHITKARA J.

Criminal Complaint	No. 192/2018 under Section 138 of the Negotiable Instruments Act, District Rohtak
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Seeking quashing of proclamation order dated 13-12-2019, passed by the JMIC Rohtak, Annexure P-3, the accused has come up before this court under Section 482 CrPC.

2. After dishonour of cheque handed over by the second respondent to the petitioner, the second 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 matter got settled between the parties. The factum of compromise was recorded by Lok Adalat in its order dated 8-2-2020, Annexure P-4. Vide order dated 8-2-2020 the complaint was dismissed as withdrawn and the order of proclamation was recalled.

5. In paragraph 2 of the petition, the petitioner explains that he was under impression that matter has been settled and he was not required to appear. I am satisfied with the explanation offered. The primary matter stands dismissed as withdrawn; there is no justification for continuing the ancillary under section 82 CrPC. Consequently, in the facts and circumstances peculiar to this case, the petition is allowed, the above captioned impugned order dated 13-12-2019, is quashed. All pending warrants in above mentioned complaint stand canceled, and proceedings quashed.

Petition allowed. Liberty reserved to file a separate petition for cancellation of FIR under section 174-A of IPC. All pending applications, if any, stand closed.

(ANOOP CHITKARA)
JUDGE

August 26 2022
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Whether speaking/reasoned: Yes
Whether reportable: **No.**