

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

CRM-M-15091 of 2022

Date of Decision: 08.04.2022

Indian Auto Care Services and Anr.

.....Petitioners

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Siddharth Gulati, Advocate for the petitioners.

HARINDER SINGH SIDHU, J

Present petition filed under Section 482 Cr.P.C. is for quashing of FIR No.0155, dated 27.02.2021, registered under Section 174-A of IPC at Police Station Shivaji Nagar, District Gurugram.

A complaint under Section 138 of the Negotiable Instruments Act, 1881 was filed by the complainant Umesh Kumar Chauhan against the petitioner on account of dishonour of a cheque.

On account of the failure of the petitioner to attend the Court, proclamation proceedings were initiated against him and he was declared as proclaimed person vide order dated 15.12.2018 (P.3). FIR under section 174-A IPC was consequently registered against him.

It is stated that the parties had entered into a compromise on 01.03.2021 vide which the complainant agreed to receive Demand Draft No.373036 dated 01.03.2021 drawn at Canara Bank as full and final settlement. In pursuance of the compromise, complainant got his statement

recorded separately and filed an application for withdrawal of the said complaint. Vide order dated 05.03.2021 passed by the learned Presiding Officer, Daily Lok Adalat, Gurugram, the complaint was dismissed as withdrawn. Thereafter, vide order dated 15.03.2021 passed by learned Addl. Sessions Judge, Gurugram, the petitioner was granted anticipatory bail.

Learned counsel for the petitioner submits that non-appearance of the petitioner was not intentional and that the address of the petitioner as mentioned in the complaint is different one. As soon as the petitioner came to know of proceedings under Section 138 of the Act, he immediately made the payment so as to settle the dispute. Besides, 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 In any case, he submits that in view of the complaint having been dismissed as withdrawn, the continuance of the proceedings under Section 174-A IPC, would not be in the interest of justice.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.0155, dated 27.02.2021, registered under Section 174-A of IPC at Police Station Shivaji Nagar, District Gurugram, and all consequential proceedings arising therefrom are quashed.

Disposed of accordingly.

April 08, 2022
manoj

(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No