

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

124

CRM-M-16071-2022

Date of Decision: 20.04.2022

Deepak Kumar and others

....Petitioners

Versus

State of Punjab and another

...Respondents

CORAM:HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Ms. Munish Puri, Advocate for the petitioners.

HARINDER SINGH SIDHU, J.

Present petition has been filed under Section 482 Cr.P.C. seeking quashing the order dated 03.10.2019(P-10) passed by learned Judicial Magistrate First Class, Pathankot, whereby petitioner no.2 has been declared as proclaimed person in complaint bearing No. 462 dated 28.07.2017. The petitioners have also sought quashing of FIR No. 112 dated 02.12.2019 under Section 174-A IPC registered at Police Station Division No.1, District Pathankot.

Respondent No.2 had filed a complaint under Section 138 of the Negotiable Instruments Act against the petitioners for dishonor of cheques amounting to Rs. 60,000/-(sixty thousand). As the petitioners did not appear before the Court in response to the summons, proclamation proceedings were initiated against them. Vide order dated 29.07.2019 only petitioner No.2 was declared as a proclaimed person. Thereafter, FIR was registered against the petitioners.

It is the case of the petitioners that the petitioners had no knowledge of the institution of the complaint against them. No notice

or warrants were received by the petitioners in connection with the case as their complete addresses were not mentioned in the complaint. No sooner the petitioners learnt about the pendency of the proceedings against them, the matter was compromised with the complainant and the complaint was withdrawn vide order dated 08.02.2020 before the Lok Adalat. It was never the intention of the petitioners to evade the process of law. 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.112 dated 02.12.2019 under Section 174-A IPC registered at Police Station Division No.1, District Pathankot and consequential proceedings are quashed. This shall be subject to deposit an amount of Rs.10,000/- (ten thousand only) by each of the petitioners with the Bar Association of Punjab and Haryana High Court at Chandigarh.

Disposed of accordingly.

[HARINDER SINGH SIDHU]
JUDGE

April 20, 2022

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Whether speaking/reasoned

Yes/no

Whether reportable?

Yes/no