

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

**CRM-M-27308-2022 (O & M)
Date of decision:19.09.2022**

Jitender

...Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Rahul Vats, Advocate,
for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

CRM-34724-2022

This is an application under Section 482 Cr.P.C, for staying the operation of the impugned order dated 22.07.2021.

Notice in the application.

On the asking of this Court, Mr. Ashok Singh Chaudhary, Addl. A. G. Haryana, accepts notice on behalf of respondent No.1-State.

At this stage, Mr. Rahul Deswal, Advocate, puts in appearance and files his power of attorney on behalf of respondent No.2, which is taken on record.

With the consent of learned counsel for the parties, the date of hearing of the main petition is preponed from 13.12.2022 to that of today and the same is taken on the Board for hearing.

Disposed of.

CRM-M-27308-2022

Challenge in the present petition is to the order dated 22.07.2021 (Annexure P-10) passed by learned Sub Divisional Judicial Magistrate, Narwana, vide which the petitioner was declared a proclaimed

person in case titled as 'J.P.Cement Store Vs. Shiv Shakti Enterprises', NACT-314-2018, under Section 138 N.I.Act.

Learned counsel for the petitioner submits that respondent No.2 filed the above-noted complaint on 07.09.2018; that during pendency of the above-noted complaint, the petitioner was declared a proclaimed person on 22.07.2021; that however, the matter between the parties was settled on 26.07.2021 and in pursuance thereof, the petitioner made the payment of cheque amount i.e. Rs.3,14,600/- to respondent No.2 and ultimately, the above-noted complaint was dismissed as withdrawn on 26.07.2021. He further contends that till date, FIR under Section 174-A IPC has not registered against the petitioner and that no useful purpose would be served in continuing with the proceedings arising out of the above-noted complaint, which has already been dismissed as withdrawn.

Notice of motion.

On the asking of this Court, Mr. Ashok Singh Chaudhary, Addl. A. G. Haryana, accepts notice on behalf of respondent No.1-State, and opposes the prayer made in the present petition.

Learned counsel for respondent No.2 does not dispute the facts qua effecting of compromise between the parties and withdrawal of the above-noted complaint.

I have heard the learned counsel for the parties.

As noticed above, the petitioner already paid the amount, subject matter of the complaint, to respondent No.2-complainant, following which the above-noted complaint had been dismissed as withdrawn. As there exists no dispute between the petitioner and respondent No.2, the

proceedings emanating from the above-noted complaint cannot be allowed to continue. Moreover, as stated by learned counsel for the petitioner, FIR under Section 174-A IPC has not been registered against the petitioner.

In view of the above, the present petition is allowed. The impugned order dated 22.07.2021 (Annexure P-10) is quashed, subject to depositing the costs of Rs.20,000/- by the petitioner, with the District Legal Services Authority, Jind.

19.09.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No