

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

117

CRM-M-32756-2021

Date of decision : 14.01.2022.

Vanki Panchalaih

... Petitioner

Versus

State of Haryana

.. Respondent

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Tarun Gupta, Advocate and
Mr. Lallan Tewari, Advocate for the petitioner.

Anupinder Singh Grewal, J. (Oral)

Heard through video conferencing.

The petitioner has sought quashing of FIR No.134 dated 27.03.2018, under Section 174-A IPC, registered at Police Station Udhyog Vihar, District Gurugram along with all consequential proceedings arising therefrom.

Learned counsel for the petitioner submits that a complaint had been filed against the petitioner under Section 138 of the Negotiable Instruments Act, 1881 (for short, 'the Act') as the cheque issued by the petitioner was allegedly dishonoured. The petitioner is a resident of Bangalore and was not served at the address where he was residing. He had been declared as a proclaimed person vide order dated 10.08.2017 (Annexure P-12). The complaint under Section 138 of the Act was withdrawn on 06.03.2019 (Annexure P-13) as the parties had entered into compromise. The relevant portion of the order dated 06.03.2019 is reproduced hereunder:-

“Counsel for complainant appeared and suffered a statement that he wants to withdraw the present complaint as payment has been made by accused pertaining to the cheque and prayed that present complaint may kindly be dismissed as withdrawn. In view of his

statement, present complaint stands dismissed as withdrawn. Proceeding against accused stands dropped. File be consigned to record room after due compliance.”

The petitioner has been granted anticipatory bail by the Additional Sessions Judge, Gurugram by the order dated 27.05.2021 (Annexure P-14). He further contends that in a similar petition bearing CRM-M-32810-2021, a Coordinate Bench of this Court has quashed another similar FIR against the petitioner under Section 174A IPC.

Issue notice to the respondent.

At the asking of the Court, Mr. Anant Kataria, DAG, Haryana, accepts notice on behalf of the respondent.

It is thus manifest that the petitioner was an accused in a complaint under Section 138 of the Act which has been withdrawn as the matter has been compromised. The petitioner is a resident of Bangalore and the complaint had been filed at Gurugram. A perusal of the zimini orders indicates that the proper service had not been effected upon the petitioner when he had been declared as a proclaimed person. Even otherwise, the complaint has been withdrawn and the continuation of proceedings under the instant FIR would not be in the interest of justice.

Consequently, the petition is allowed and FIR No.134 dated 27.03.2018, under Section 174-A IPC, registered at Police Station Udhyog Vihar, District Gurugram along with all consequential proceedings arising therefrom are hereby quashed.

(ANUPINDER SINGH GREWAL)
JUDGE

January 14, 2022

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