

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.119(2)

Case No. : CRM-M-34654-2022 (O&M)

Date of Decision : December 05, 2022

Rohit Khosla		Petitioner
vs.		
State of Haryana		Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

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Present : Mr. Kunal Dawar, Advocate
for the petitioner.

Mr. Karan Sharma, DAG, Haryana.

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GURBIR SINGH, J. :

CRM-43183-2022 :

This is an application under Section 482 Cr.P.C. for placing on record the order dated 16.09.2022 passed by learned Judicial Magistrate Ist Class, Panipat regarding the settlement between the parties and quashing the complaint as Annexure P-10, statement of the complainant as Annexure P-11 and statement of the accused/petitioner as Annexure P-12.

For the reasons mentioned in the application, the same is allowed and Annexures P-11 to P-12 are taken on record, subject to all just exceptions.

Main Case :

This is a petition under Section 482 Cr.P.C. filed by the petitioner to quash the FIR No.1045 dated 15.11.2019, registered under Section 174-A, at Police Station Panipat City, District Panipat, which is an

offshoot of the order dated 29.04.2019, passed by learned Judicial Magistrate Ist Class, Panipat, declaring the petitioner as a proclaimed person.

Learned counsel for the petitioner has submitted that the petitioner was an accused in a complaint case filed under Section 138 of the Negotiable Instruments Act, 1881 (for short – the Act). He failed to appear before the learned Trial Court and was declared a proclaimed person. Consequently, FIR in question was registered against him. However, later, the parties entered into compromise and the complaint under Section 138 of the Act has already been withdrawn.

Learned counsel for the petitioner has relied upon a judgment passed by a Co-ordinate Bench in **CRM-M-7020-2019 (O&M)** titled as **Chander Shekhar vs. State of Haryana and another**, in which another judgment passed by this Court in the case of **Microqual Techno Limited and others vs. State of Haryana and another** reported as **2015 (32) RCR (Criminal) 790** has been followed.

Heard.

Since the main complaint filed under Section 138/139 of the Act stands withdrawn, therefore, continuation of proceedings under Section 174-A of IPC shall be nothing but an abuse of the process of law.

Keeping in view the above-said facts and circumstances, the present petition is allowed and the impugned order dated 29.04.2019, passed by learned Judicial Magistrate Ist Class, Panipat, declaring the

petitioner as a proclaimed person and FIR No.1045 dated 15.11.2019, registered under Section 174-A, at Police Station Panipat City, District Panipat and all other consequential proceedings arising therefrom, are hereby quashed.

All the pending miscellaneous applications, if any, stand disposed of in view of the above-said judgment.

December 05, 2022

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(GURBIR SINGH)
JUDGE

<i>Whether speaking/reasoned ?</i>	<i>Yes/No.</i>
<i>Whether reportable ?</i>	<i>Yes/No.</i>