

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No. 38557-2021
Reserved on 24.03. 2022
Pronounced on : 31.03.2022

Raju RanaPetitioner

Vs.

State of Haryana and anotherRespondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Narender Kaajla, Advocate for the petitioner

Mr. Manish Bansal, DAG, Haryana.

ANOOP CHITKARA J.

Criminal Complaint	CIS No. N ACT/2974/2018 dated 16.11.2018 under Section 138 of the Negotiable Instruments Act, District Hisar
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FIR No.	Dated	Police Station	Sections
475	05.09.2021	City Hisar	174-A IPC

Seeking quashing of proclamation order Annexure P-1, the accused has come up before this court under Section 482 CrPC.

2. I have heard learned counsel for the parties and gone through the pleadings.
3. After dishonour of cheque handed over by the second respondent to the petitioner, the second respondent had filed a complaint against the petitioner under section 138 of Negotiable Instruments Act, 1881.
4. After taking cognizance of the offence, Id Judicial Magistrate Ist Class, Hisar, issued summons to the petitioner. On non-appearance, vide impugned order dated 17-8-2021, the court proceeded to issue proclamation under section 82 of CrPC and directed registration of FIR under section 174-A, Annexure P-3.
5. Just twenty days after issuance of proclamation, the matter got settled between the

parties in the Lok Adalat, and the complainant/respondent no. 2 withdrew the complaint. Vide order dated 7-9-2021, Annexure P-2, passed by Presiding Officer cum Judicial Magistrate, Hisar, the complaint was dismissed as withdrawn.

6. In paragraph 3 of the petition, the petitioner explains that due to a misunderstanding of dates between him and his counsel and Covid-19 disruptions, he could not appear. In the case's factual background, I am satisfied with the explanation offered. The primary matter stands dismissed as withdrawn; there is no justification for continuing the ancillary proceedings under section 174-A IPC. Consequently, in the facts and circumstances peculiar to this case, the petition is allowed, the above captioned impugned order Annexure A-1 and the FIR mentioned above, Annexure P-3, are quashed. All pending warrants stand cancelled, and further proceedings quashed.

Petition allowed. All pending applications, if any, stand closed.

(ANOOP CHITKARA)
JUDGE

March 31, 2022
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Whether speaking/reasoned: Yes
Whether reportable: **No.**