

CRM-M No. 36455 of 2022
Reserved on: 22.08.2022
Pronounced on : 25.08.2022

Bhawani Shankar Sharma and another.....Petitioners

Vs.

State of Haryana and another.....Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Harminder Singh, Advocate for the petitioner.

Ms. Shubhra Singh, Addl. A.G., Haryana.

Mr. Jeevan Gautam, Advocate for respondent No. 2.

ANOOP CHITKARA J.

Criminal Complaint	No. NACT 4718 of 2016, under Section 138 of the Negotiable Instruments Act, District Faridabad.
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and

FIR No.	Dated	Police Station	Sections
73	03.02.2018	Sector 58, Faridabad	174-A IPC

Seeking quashing of aforesaid FIR as well as proclamation order dated 02.07.2018, passed by the Ld. JMIC Faridabad, the accused has come up before this court under Section 482 Cr.P.C.

2. After dishonour of cheque handed over by the petitioner to second respondent, the second respondent had filed a complaint against the petitioner under section 138 of Negotiable Instruments Act, 1881.
3. The accused could not be served through the ordinary process, including summons, bailable warrants, and even non-bailable warrants. The concerned court finally proceeded against the petitioner under section 82 of Cr.P.C and declared the petitioner a proclaimed offender vide aforesaid order.

4. After issuance of proclamation, the matter got settled between the parties. The factum of compromise was recorded by Ld. Trial Court in its order dated 26-09-2018 and the settlement deed Annexure P-4, dated 26-09-2018. Vide order dated 26-09-2018 passed by JMIC Faridabad, the complaint was dismissed as withdrawn.

5. In paragraph 4 of the petition, the petitioner explains that the accounts of the company were declared as NPA and for such reasons, 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 The primary matter stands dismissed as withdrawn; there is no justification for continuing the ancillary proceedings under section 174-A IPC.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 dated 02.07.2018 and the FIR mentioned above, are quashed qua the petitioners. All pending warrants stand canceled, and further proceedings quashed.

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

(ANOOP CHITKARA)
JUDGE

25.08.2022
Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.