

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37652-2022 (O&M)
Reserved on: 25.08.2022
Date of Pronouncement: 31.08.2022

Naresh Kawrani
...Petitioner (s)
Versus
State of Haryana & others
...Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA
Present: Mr. Tarun Singhal, Advocate
for the petitioner(s).
Ms. Shubhra Singh, Addl.A.G. Haryana.

ANOOP CHITKARA, J.

Criminal Complaint	No. 5103/2022 under Section 138 of the Negotiable Instruments Act, District Gurugram
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FIR No.	Dated	Police Station	Sections
767	4.10.2018	Shivaji Nagar, Gurugram	174A IPC

Seeking quashing of aforesaid FIR as well as proclamation order dated 25-07-2018 passed by the Ld. JMIC Gurugram, the accused has come up before this court under Section 482 CrPC.

2. After failure of Electronic Clearance Instructions by the petitioner favouring the complainant/respondent, the second respondent had filed a complaint against the petitioner under section 25 & 27 of Payment and Settlement Act, 2007.
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 CrPC 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 is recorded in letter dated 10-03-2022, Annexure P-4, issued by respondent no. 2 India Infoline, which clarifies that the criminal matter shall be closed on receipt of the amount. A settlement deed dated 29-07-2022 is also attached to the petition as Annexure P-6, which mentions about the receipt of the all settled amount.

5. The petitioner explains that due to defect in the electronic clearance system instructions, the payment could not be made and later on, he could not appear because he was never served. 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 The primary matter stands dismissed as withdrawn; there is no justification for continuing the ancillary proceedings under section 174-A IPC.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, and subject to the compliance of the following direction, the petition is allowed, the above captioned impugned order AnnexureP-2, dated 25-07-2018 and the FIR mentioned above, are quashed. All pending warrants stand canceled, and further proceedings quashed.

6. **This order is subject to the petitioner appearing before the concerned trial court within thirty days, failing which this order shall stand recalled automatically in exercise powers under section 362 and 482 of CrPC-1973, without any further reference to this court.**

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

(ANOOP CHITKARA)
JUDGE

August 31, 2022
AK

Whether speaking/reasoned:
Whether reportable:

Yes
No.