

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No.43991 of 2021
Reserved on: 28.04.2022
Pronounced on : 14.07.2022

Harjinder Singh Saini and anotherPetitioners

Vs.

State of Haryana and anotherRespondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Ms. Monika Thakur, Advocate for the petitioners.

Mr. Rajat Gautam, DAG, Haryana.

Ms. Kiran Bala Jain, Advocate for respondent No.2.

ANOOP CHITKARA J.

FIR No.	Dated	Police Station	Section
647	24.09.2021	Shivaji Nagar, Gurugram	174-A IPC

Seeking quashing of aforesaid FIR, the accused have come up before this court under Section 482 Cr.P.C.

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 sections 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 Cr.P.C. and declared the petitioner a proclaimed offender vide order dated 30.09.2019.
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 26-10-2021. Vide order dated Oct 26, 2021 the complaint was dismissed as withdrawn.

5. In paragraphs 3 & 4 of the petition, 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 upon. 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 The primary matter stands dismissed as withdrawn; there is no justification for continuing the ancillary proceedings under section 174-A IPC.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 and the FIR mentioned above, Annexure P-5, is quashed. All pending warrants stand canceled, and further proceedings quashed.

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

(ANOOP CHITKARA)
JUDGE

14.07.2022
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.