

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.245

Case No. : CRM-M-40422-2022

Date of Decision : December 14, 2022

Hardeep Singh		Petitioner
vs.		
State of Punjab		Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

* * *

Present : Mr. J. K. Singla, Advocate
for the petitioner.

Mr. G. S. Shergill, AAG, Punjab.

* * *

GURBIR SINGH, J. :

This is a petition under Section 482 Cr.P.C. filed by the petitioner to quash the FIR No.46 dated 21.04.2017, registered under Section 174-A IPC, 1860 at Police Station Phool, District Bathinda, which is an offshoot of the order dated 18.04.2017, passed by learned Sub-Divisional Judicial Magistrate, Phul, District Bathinda, 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later, the parties entered into compromise and the complaint under Section 138 of the Act has already been dismissed as withdrawn, vide order dated 11.02.2019 passed by learned Sub-Divisional Judicial Magistrate, Phul,

District Bathinda, a copy whereof has been annexed as Annexure P-2 with the present petition.

Learned counsel for the petitioner has relied upon various judgments passed by Co-ordinate Benches of this Court including in the case bearing CRM-M-34909-2022 titled as Kulwant Singh vs. State of Punjab, 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Since the main complaint filed under Section 138 of the Act stands dismissed as withdrawn, therefore, continuation of proceedings under Section 174-A of IPC shall be nothing but an abuse of the process of law.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 18.04.2017, passed by learned Sub-Divisional Judicial Magistrate, Phul, District Bathinda declaring the petitioner as a proclaimed person and FIR No.46 dated 21.04.2017, registered under Section 174-A IPC, 1860 at Police Station Phool, District Bathinda, 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 14, 2022
monika

(GURBIR SINGH)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.