

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

119

CRM-M-41211-2022

Date of Decision: November 22, 2022

VINOD KUMAR

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Amit Kohar, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

AMAN CHAUDHARY, J.

The present petition under Section 482 Cr.P.C. has been filed for quashing of impugned order dated 09.03.2022 (Annexure P-2) passed by Judicial Magistrate Ist Class, Hansi whereby the petitioner has been declared proclaimed offender in Criminal Complaint No.408 of 2018 dated 06.02.2018 filed under Section 138 of Negotiable Instrument Act.

Learned counsel for the petitioner has produced copy of the order dated 19.11.2022 passed by the trial Court to show that the entire amount was paid by the petitioner. He had surrendered before the Court as per order dated 14.10.2022 and 22.11.2022 and was granted bail by the trial Court and the statement was recorded by learned counsel for the complainant-company that the matter stands compromised and they do not wish to proceed with the complaint and withdraw the same. The said complaint was ordered to be withdrawn by the aforesaid order by the trial Court. The orders are placed on record as Annexure Mark 'A'.

In support of his submissions, learned counsel places reliance upon the following judgments of this Court to contend that in the similar set of facts and circumstances wherein the complaint filed under Section 138 of the Negotiable

Instruments Act, 1881, itself stands withdrawn, the proceedings initiated under Section 174-A IPC were quashed being an abuse of process of law:-

1. *“Murli Jha vs State of Haryana”, 2021(3) R.C.R.(Criminal) 563.*
2. *“Microqual Techno Limited and others vs State of Haryana”, 2015(3) R.C.R.(Criminal) 790.*
3. *“Ram Kumar Rana vs State of Haryana and another”, 2022(1) R.C.R. (Criminal) 294.*
4. *“Ashok Madan vs State of Haryana and another”, 2020(4) R.C.R. (Criminal) 87.*

This Court in the case of **Murli Jha** (supra) held as under:-

“8. I have considered the rival submissions of the parties. The FIR is an outcome of the order declaring the petitioner as a proclaimed person in proceedings initiated under section 138 of NI Act which stands settled, the complaint has been withdrawn and the proceedings against the accused petitioner were dropped. In such circumstances, the continuation of prosecution under Section 174-A IPC in pursuance to the orders passed by the trial Court cannot be permitted to continue. Reference in this connection may be made to the judgments of this Court in Microqual Techno R.C.R. (Criminal) 790; Rajneesh Khanna v. State of Haryana and another, 2017 (3) L.A.R. 555 and CRM-M-32612 of 2020, Surender Singh v. State of Haryana and another decided on 12.01.2021.”

In view of the aforesaid, the order dated 09.03.2022 (Annexure P-2) is set aside.

November 22, 2022
Rimpal

(AMAN CHAUDHARY)
JUDGE

Whether reasoned/speaking: Yes/No
Whether reportable: Yes/No