

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No.45762 of 2021
Reserved on :08.08.2022
Pronounced on : 18.08.2022

Vikram Sharma

.....Petitioner

Vs.

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

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

 Mr. Rajat Gautam, DAG, Haryana.

 Mr. Sachin Chaudhary, Advocate for the complainant.

ANOOP CHITKARA J.

Criminal Complaint	No. 5584 of 2016, under Section 138 of the Negotiable Instruments Act, District Gurgaon
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FIR No.	Dated	Police Station	Sections
948	23.05.2019	Shivaji Nagar, Gurugram	174-A IPC

Seeking quashing of aforesaid FIR as well as proclamation order dated 30.04.2019, passed by the Ld. Judicial Magistrate, Ist Class, Gurgaon, the accused has come up before this court under Section 482 CrPC.

2. After dishonour of cheque handed over by the second respondent to the petitioner, 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 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 was recorded vide Annexure P-4. Vide order dated 01.06.2019, the complaint was dismissed as withdrawn and the order of proclamation was recalled.

5. In the petition, the petitioner explains that due to a misunderstanding of dates between him and his counsel, 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 The primary matter stands dismissed as withdrawn; there is no justification for continuing the ancillary proceedings under section 174-A IPC.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 30.04.2019 (Annexure P-2) and the FIR mentioned above (Annexure P-3), are quashed. All pending warrants stand canceled, and further proceedings quashed.

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

(ANOOP CHITKARA)
JUDGE

18.08.2022
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Whether speaking/reasoned: Yes
Whether reportable: No.