

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-49848-2021
Reserved on: 08.04.2022
Pronounced on: 18.04.2022

Dr. Pankaj Kalwan
...Petitioner(s)
Versus
State of Haryana & others
...Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Rahul Sidher, Advocate
for the petitioner(s).

Mr. Rajat Gautam, DAG, Haryana.

ANOOP CHITKARA, J.

Criminal Complaint	No. NACT-01-2013 (CNR No.HRPK03-001807-2013 under Section 138 of the Negotiable Instruments Act, District Panchkula
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FIR No.	Dated	Police Station	Sections
656	10.12.2017	Sector 5, Panchkula, District Panchkula	174-A IPC

Seeking quashing of proclamation order (Annexure P-2) and aforesaid FIR registered on the basis of the said order, the accused has come up before this court under Section 482 CrPC.

2. 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 order dated 18.02.2017.

3. After dishonour of the cheque handed over by the respondent no.3 to the petitioner, the respondent no.3 filed a complaint against the petitioner under section 138 of Negotiable Instruments Act, 1881.

4. After taking cognizance of the offence, Id Judicial Magistrate Panchkula, issued summons to the petitioner. On non-appearance, vide impugned order dated 18.2.2017, the court proceeded to issue proclamation under section 82 of CrPC and directed registration of FIR under section 174-A, Annexure P-3.

5. After issuance of proclamation, the matter got settled between the parties, and the complainant/respondent no.3 withdrew the complaint. Vide order dated 21.12.2017, Annexure P-4, passed by Judicial Magistrate Ist Class, Panchkula, the complaint was dismissed as withdrawn.

6. In paragraph 3 of the petition, the petitioner explains that he was regularly paying the EMIs of the loan but due to some family dispute, the bank presented his security cheque by filling amount of Rs.74,359/- without informing him, which was dishonoured with the remarks "insufficient funds". 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 The primary matter stands dismissed as withdrawn; there is no justification for continuing the ancillary proceedings under section 174-A IPC.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 Annexure A-2 and the FIR mentioned above, Annexure P-3, are quashed. All pending warrants stand canceled, and further proceedings quashed. **In case of the failure to comply with the following direction, the order shall stand recalled automatically without any further reference to this court, and the matter shall be listed for final hearing**

7. **Within ten days from today**, the petitioner shall deposit a sum of rupees ten thousand in 'High Court Lawyers Welfare Fund,' Account number 65018692589, IFSC code SBIN0050306, Branch Code 50306, Branch Address State Bank of India, High Court Branch, Sector 1, Chandigarh. After depositing, the petitioner shall file the proof of deposit, before the concerned court and send its copy along with a copy of this order to the Secretary, Punjab & Haryana High Court Bar Association, either in physical or electronic mode.

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

(ANOOP CHITKARA)
JUDGE

April 18, 2022
AK

Whether speaking/reasoned:
Whether reportable:

Yes
No.