

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

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CRM-M-52320-2021 (O&M)

Date of Decision:18.02.2022

DINESH KAUSHIK

....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Gaurav Dutta, Advocate
for the petitioner.

Mr. Rahul Mohan, DAG, Haryana.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

CRM-5844-2022

Application is allowed as prayed for.

Copies of proclamation notice, report of serving official,
statement of serving official and zimini orders passed by the learned trial
Court as Annexure P-8 annexed with the application are taken on record.

CRM-M-52320-2021

The petitioner assails order dated 26.07.2021 (Annexure P-1)
vide which the petitioner has been declared a Proclaimed Offender and a
direction has been issued by the Court to register FIR against the petitioner
under Section 174-A of IPC. The aforesaid order was passed in respect of
proceedings pending against the petitioner for offence under Section 138
Negotiable Instruments Act, 1881.

I have heard the learned counsel for the petitioner and have also
perused the impugned order as well as the documents placed on record by
the petitioner.

Upon examining the said documents, this Court does not find any infirmity in the proceedings conducted by the trial Court for declaring the petitioner as a Proclaimed Offender. However, this Court does find that the proceedings had in fact arisen from a complaint under Section 138 of Negotiable Instruments Act, 1881 and the said proceedings are more or less quasi criminal. The matter in hand also stands amicably resolved amongst the parties inasmuch as the complainant has withdrawn the complaint as would be evident from order dated 10.09.2021.

In these circumstances, while taking a lenient view in the matter particularly keeping in view the nature of the offence i.e. under Section 138 of Negotiable Instruments Act, 1881, during the proceedings of which the impugned order came to be passed, the petition is accepted and the impugned order as well as the FIR lodged under Section 174-A of IPC (Annexure P-1 and P-3) are hereby quashed. However, the aforesaid order is being passed subject to condition that the petitioner shall deposit an amount of Rs.25,000/- before Secretary, District Legal Services Authority, Karnal as costs.

The petition stands disposed of accordingly.

(GURVINDER SINGH GILL)
JUDGE

18.02.2022
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Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No