

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

120-A

CRM-M-58108-2022

Date of decision : 13.12.2022

Mukund Karwa @ Mukund Subhash Karwa

Petitioner

V/S

M/s India Infoline Finance and others

Respondents

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Sanjay Verma, Advocate for the petitioner.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of impugned order dated 18.05.2019 (Annexure P-2) passed by learned Judicial Magistrate First Class, Gurugram whereby the petitioner was ordered to be declared as proclaimed person in Complaint No.NACT/7837/2015 dated 11.12.2015 titled as 'M/s India Infoline Finance Vs. M/s Krishidhan Seed Pvt. Ltd.' registered under Sections 138, 141 and 142 of the Negotiable Instruments Act, 1881 read with Section 200 of the Cr.P.C.

Learned counsel for the petitioner submits that during pendency of the above-said complaint, the petitioner along with co-accused agreed to pay the cheque amount i.e. Rs.2,96,318/- as well as litigation expenses i.e. Rs.15,000/- to the respondent No.1/complainant and thereafter, the complaint was ordered to be compounded by the trial Court vide order dated 02.04.2022 and amount has duly been received by respondent No.1/complainant. Even otherwise procedure as contemplated under Section 82 of the Cr.P.C. was not complied with

before declaring the petitioner as proclaimed person. It is also submitted that in view of the fact that the complaint having been compounded by the trial Court, continuance of the proceedings under Section 82 of the Cr.P.C. would not be in the interest of justice.

In view of submissions made by learned counsel for the petitioner, the present petition is allowed and impugned order dated 18.05.2019 (Annexure P-2) declaring the petitioner as proclaimed person and all subsequent proceedings arising therefrom are ordered to be quashed.

13.12.2022

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**(ASHOK KUMAR VERMA)
JUDGE**

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No