

239

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

**CRM-M-53974-2019 (O&M)
Date of decision: 17.11.2022**

Javed Hassan

... Petitioner

Vs.

State of Haryana and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

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

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for quashing of FIR No.1287 dated 12.10.2019 under Section 174-A IPC, registered at Police Station City Jagadhri, District Yamunanagar and all the consequential proceedings arising therefrom.

Learned counsel for the petitioner relies upon the order dated 28.03.2022 passed in CRM-M-52952-2019, vide which between the same parties, similar FIR was quashed. It is further submitted that a complaint under Section 138 of the Negotiable Instruments Act, 1881 was filed against the petitioner on account of dishonour of a cheque. On account of failure of the petitioner to attend the Court, proclamation proceedings were initiated against

him and he was declared a proclaimed person vide order dated 27.04.2017. Thereafter, FIR under section 174-A IPC was registered against him. It is also submitted that a compromise was effected between the petitioner and the complainant on 25.10.2018, because of which the complainant withdrew the complaint on the same date i.e. 25.10.2018.

Learned counsel has further submitted that the procedure as contemplated under Section 82 Cr.P.C. was not complied with, before declaring the petitioner as proclaimed person. It is also submitted that in view of the complaint having been withdrawn, continuance of the proceedings under Section 174-A IPC would not be in the interest of justice.

Learned State counsel has not disputed the factual position.

After hearing learned counsel for the parties and considering the aforesaid submissions, present petition is allowed and FIR No.1287 dated 12.10.2019 under Section 174-A IPC, registered at Police Station City Jagadhri, District Yamunanagar is ordered to be quashed.

[ARVIND SINGH SANGWAN]
JUDGE

17.11.2022
vishnu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No