

CRM-M-1863-2020 (O&M)

2023:PHHC:101930

259

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-1863-2020 (O&M)

Date of decision: 01.08.2023

Ashish Kumar Nasa

....Petitioner

versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Mr.J.P.Jaggu, Advocate for petitioner.

Mr.Karan Garg, AAG, Haryana.

ARUN MONGA, J. (ORAL)

The instant petition has been filed under section 482 of Code of Criminal Procedure for quashing of order dated 01.06.2019 (Annexure P-1), passed by learned Judicial Magistrate First Class, Faridabad in a complaint case bearing No.NACT /2018/2018 dated 14.03.2018 filed under Section 138 of the Negotiable Instruments Act, 1881 (for short N.I. Act), vide which the petitioner has been declared a Proclaimed Person as well as other consequential proceedings arising therefrom including FIR No. 269 dated 03.06.2019 (Annexure P-2), registered under Section 174-A IPC at Police Station Faridabad Kotwali.

2. Learned counsel for the petitioner contends that matter stands settled as entire cheque amount has been paid to the complainant and the complaint case under Section 138 N.I. Act has also been withdrawn vide order dated 03.12.2019 (Annexure P-3). He further contends that no useful purpose would be served by keeping the present proceedings pending.

3. Learned State counsel opposes the prayer made and submits that order declaring petitioner as a proclaimed person has rightly been passed. He further submits that the offence under Section 174-A IPC is independent of the main case.

4. Arguments heard.

5. Very purpose of initiating proceedings under Section 174-A IPC is to ensure presence of petitioner in the trial. Since the petitioner has already paid the whole amount, moreover complaint itself has been withdrawn by the complainant, trial itself is already stated to be concluded in view of the settlement, there is no requirement of petitioner to appear before learned trial Court any further. Present proceedings are thus rendered otiose.
6. In view of aforesaid, I see no grounds as to why further proceedings under Section 174-A IPC should continue as same would be an exercise in futility and wastage of precious time of learned Court below.
7. In the totality of circumstances, order dated 01.06.2019 (Annexure P-1), passed by learned Judicial Magistrate First Class, Faridabad in Complaint under Section 138 of the N.I. Act, vide which petitioner was declared a Proclaimed Person as well as other consequential proceedings arising therefrom including FIR No. 269 dated 03.06.2019 (Annexure P-2), registered under Section 174-A IPC at Police Station Faridabad Kotwali, are quashed in view of the aforesaid.
8. Petition is allowed accordingly.
9. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

01.08.2023
'D'vir

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