

CRM-M No.4138 of 2023

Reserved on: 25.01.2023

Pronounced on: 14.02.2023

Jitendra M Gada

.....Petitioner

Vs.

State of Haryana

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Saurabh Dalal, Advocate,
for the petitioner.

Mr. Rajat Gautam, D.A.G., Haryana.

Mr. Aditya Jain, Advocate for the complainant.

ANOOP CHITKARA J.

FIR No.	Dated	Police Station	Section
1342	22.07.2019	Shivaji Nagar, Gurugram	174-A IPC

Seeking quashing of aforesaid FIR, the accused has come up before this court under Section 482 CrPC.

2. Complaint under Section 138 NI Act was filed against petitioner, and he could not be served through the ordinary process, including summons,ailable warrants, and even non-ailable warrants. The concerned court finally proceeded against the petitioner under section 82 of CrPC and declared the petitioner a proclaimed offender vide aforesaid order. After that on the complaint of the concerned court, the police registered the FIR captioned above.

3. The accused seeks quashing of FIR under section 174-A IPC because of the compliance of the directions passed by this court, which would establish his bonafide and truthful conduct for future attendance.

4. It would be relevant to extract the above referred order passed by this Court which reads as follows:

“Learned counsel for the petitioner, in pursuance of statement made by the petitioner on 23.11.2022, has brought the demand draft amounting to Rs.70,000/- prepared in the name of respondent No.2 today in the Court and he has handed over the same to learned counsel for respondent No.2. It is further submitted that the petitioner undertakes to appear before the trial Court within a period of one month from today and prays that on his appearance, the petitioner be released on interim bail.

Adjourned to 24.01.2023.

Till the next date of hearing, the operation of order dated 29.04.2019 is stayed subject to the petitioner appearing before the trial Court within a period of one month from today and in case, the petitioner appears before the trial Court within the aforesaid period, he be released on interim bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court.

To be taken up at 04:00 pm.

The petitioner is also directed to submit his present correct address before the trial Court on the date when he appears.”

5. The petitioner has indisputably complied with the above said directions. 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 P-1 and the FIR mentioned above, Annexure P-2, are quashed. All pending warrants stand canceled, and further proceedings quashed.

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

(ANOOP CHITKARA)
JUDGE

14.02.2023
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.