

CRM-M-6129-2023 (O&M)

207 (1st case)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-6129-2023 (O&M)

Date of decision: July 14, 2023

Krishan Kumar Gogia

....Petitioner

versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Mr. Gurnoor Singh Sethi, Advocate for petitioner(s).

Mr. Vikas Bhardwaj, AAG Haryana.

ARUN MONGA, J. (ORAL)

The instant petition has been filed under Section 482 of Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') seeking quashing of order dated 10.05.2019 (Annexure P-4) passed by learned Judicial Magistrate First Class (JMFC), Karnal in complaint case No.N.I. Act 4330/2017, D.O.I. 07.12.2017 titled "Allahabad Bank versus Krishan Kumar Gogia" under Section 138 of the Negotiable Instruments Act, 1881 (for short 'NI Act') whereby petitioner was declared as a proclaimed person and for quashing of FIR No.0298 dated 21.05.2022 (Annexure P-5), registered under Section 174-A of the Indian Penal Code, 1860 (IPC), at Police Station Civil Lines, Karnal and subsequent proceedings arising out of said FIR in the light of the fact that matter stands settled vide agreement dated 16.11.2019 (Annexure P-6) and complaint case stands dismissed as withdrawn vide order dated 01.07.2022 (Annexure P-8) passed by learned JMFC, Karnal.

2. Learned counsel for the petitioner contends that matter stands settled vide agreement dated 16.11.2019 (Annexure P-6) and complaint case under Section 138 NI Act has also been withdrawn vide order dated 01.07.2022 (Annexure P-8). He further contends that no useful purpose would be served by keeping the present proceedings pending.

3. Per contra, learned State counsel opposes the prayer made and submits that the order declaring petitioner as a proclaimed person has rightly been passed. He further submits that the offence under Section 174A IPC is independent of the main case.
4. Heard.
5. Very purpose of initiating proceedings under Section 174-A IPC is to secure the presence of petitioner in the trial. Since trial itself is already stated to be concluded in view of the compromise/agreement dated 16.11.2019, there is no requirement of petitioner to appear before learned trial Court any further. Proceedings to secure his presence are thus rendered otiose.
6. In view of aforesaid, I see no grounds as to why further proceedings 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, impugned order dated 10.05.2019 (Annexure P-4) passed by learned JMFC, Karnal in complaint case No.N.I. Act 4330/2017, D.O.I. 07.12.2017, titled “Allahabad Bank versus Krishan Kumar Gogia” under Section 138 of the NI Act whereby petitioner was declared as a proclaimed person, and FIR No.0298 dated 21.05.2022 (Annexure P-5), registered under Section 174-A IPC at Police Station Civil Lines, Karnal and subsequent proceedings arising out of said FIR are quashed in view of the agreement/ compromise dated 16.11.2019.
8. Petition is allowed accordingly.
9. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

July 14, 2023
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No