

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

123

**CRM-M-11846-2023
Date of decision: 09.03.2023**

Sher SinghPetitioner

Versus

State of HaryanaRespondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Gaurav Antwal, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

The instant petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.0047 dated 18.02.2023 (Annexure P-3) under Section 174-A of the IPC registered at Police Station City Mahendergarh, District Mahendergarh and all consequential proceedings arising therefrom and for quashing of order dated 06.12.2022 (Annexure P-2) passed by learned Judicial Magistrate 1st Class, Mohindergarh in complaint case No.NACT-344 of 2018 titled as 'Naresh Singh Vs. Sher Singh' whereby the petitioner has been declared a proclaimed person in view of the complaint in question having been dismissed as withdrawn vide order dated 30.01.2023.

Learned counsel for the petitioner at the outset has drawn the attention of this Court to order dated 30.01.2023 wherein it stands reflected that the complaint in question under Section 138 of the Negotiable Instruments Act, 1881 (for short, 'the NI Act') stands withdrawn by the complainant on account of the parties having arrived at an amicable settlement and the petitioner has made payment of the

cheque amount to the complainant. A prayer, therefore, has been made that in the aforementioned facts and circumstances, no purpose would be served by prosecuting the petitioner under Section 174-A of the IPC, more so, when he was not involved in any other criminal case much less under Section 138 of the NI Act nor had he been declared a proclaimed offender prior thereto in any other case.

Notice of motion.

On asking of the Court, Mr. Chetan Sharma, AAG, Haryana accepts notice of the petition.

Learned State counsel has opposed the prayer made by the counsel opposite and contended that it was evident that the petitioner had intentionally not appeared during the proceedings before the Court below and hence, the prayer of the petitioner deserved to be declined.

Heard learned counsel for the parties and perused the relevant material on record.

The petitioner was declared a proclaimed person vide impugned order in a complaint case under Section 138 of the NI Act. Admittedly, the said complaint was withdrawn after the parties arrived at a compromise. Furthermore, the petitioner is neither involved in any other criminal case nor was he declared a proclaimed offender any time prior thereto. Hence, the continuation of criminal proceedings under Section 174-A IPC would serve no useful purpose.

Accordingly, the present petition is allowed and the impugned order dated 06.12.2022 declaring the petitioner as proclaimed person as well as FIR registered under Section 174-A IPC and all consequential proceedings arising therefrom are set aside,

subject to payment of costs of Rs.5,000/- to be deposited with Punjab and Haryana High Court Legal Services Committee which shall be a condition precedent.

09.03.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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