

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

121

CRM-M-12765-2023

Date of decision: 15.03.2023

Jagjeet Singh and another

.....Petitioners

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Ankit Aggarwal, Advocate for
Mr. Pankaj Bali, Advocate for the petitioners.

MANJARI NEHRU KAUL, J. (ORAL)

The instant petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.363 dated 23.08.2021 (Annexure P-1) under Section 174-A of the IPC registered at Police Station Madhuban, Karnal, and all consequential proceedings arising therefrom.

Learned counsel for the petitioner at the outset has drawn the attention of this Court to order dated 02.12.2022 (Annexure P-5) 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the complaint in question under Section 138 of the Negotiable Instruments Act, 1881 (for short, 'the NI Act') stands withdrawn by the complainant on account of the parties having arrived at an amicable settlement. 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 Admittedly, the said complaint was withdrawn after the parties arrived at a compromise.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 FIR in question and all consequential proceedings arising therefrom are set aside, subject to payment of costs of ₹ 5,000/- to be deposited with Punjab and Haryana High Court Legal Services Committee within four weeks which shall be a condition precedent.

15.03.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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