

127 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-13666-2023
Decided on : 17.03.2023

Rahul Dureja

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Kunwar Rajan, 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.138 dated 03.10.2017 (Annexure P-11) under Section 174-A of the IPC registered at Police Station Kabarwala District Sri Muktsar Sahib and all consequential proceedings arising therefrom.

Learned counsel for the petitioner, at the outset, has drawn the attention of this Court to order dated 15.10.2022 (Annexure P-15) wherein it stands reflected that the the complaint under Section 138 of the Negotiable Instruments Act, 1881 (for short, 'the NI Act') stands withdrawn by the complainant on account of the parties having arrived at an amicable settlement and the petitioner having made payment of the cheque amount to the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 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. In support of his submissions, learned counsel has placed reliance upon the judgment of this Court in *Sher Singh vs. State of Haryana (CRM-M-11846-2023) decided on 09.03.2023*.

Notice of motion.

On asking of the Court, Mr. Ramdeep Pratap Singh, Sr. DAG, Punjab 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 Admittedly, the said complaint was withdrawn after the parties arrived at a compromise.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 03.10.2017 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.

17.03.2023
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(MANJARI NEHRU KAUL)
JUDGE

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