

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

207

**CRM-M-12431-2019
Date of decision: 09.03.2023**

NadarajPetitioner

Versus

State of Haryana and anotherRespondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Shashi Kumar Yadav, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

None for respondent No.2.

MANJARI NEHRU KAUL, J. (ORAL)

The instant petition has been filed under Section 482 of the Cr.P.C. for quashing of FIR No.966 dated 25.09.2018 under Section 174-A of the IPC registered at Police Central, Faridabad (Annexure P-4).

Learned counsel for the petitioner at the outset has drawn the attention of this Court to order dated 11.10.2018 (Annexure P-3) 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the complaint in question under Section 138 of the Negotiable Instruments Act, 1881 (for short, 'the NI Act') stands withdrawn by the complainant on account of the parties having arrived at an amicable settlement and the petitioner has made payment of the cheque amount to the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.

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 order dated 20.09.2018 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 Admittedly, the said complaint was withdrawn after the parties arrived at a compromise.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 No.966 dated 25.09.2018 under Section 174-A of the IPC registered at Police Central, Faridabad (Annexure P-4) along with all consequential proceedings arising therefrom are set aside, subject to payment of costs of Rs.5,000/- to be deposited with the Punjab and Haryana High Court Legal Services Committee within 02 weeks from today which shall be a condition precedent.

09.03.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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