

CRM-M-16528-2023
Decided on : 11.04.2023

..... Petitioner

..... Respondent

Present : Mr. Gurinder Singh, 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.618 dated 19.11.2022 (Annexure P-1) under Section 174-A IPC registered at Police Station Ambala City District Ambala and all consequential proceedings arising therefrom.

Learned counsel for the petitioner, at the outset, has drawn the attention of this Court to order dated 02.02.2023 (Annexure P-2) wherein it stands reflected that the complaint under Section 138 of the Negotiable Instruments Act, 1881 (for short, 'the NI Act') stands withdrawn by the complainant on account of the parties having arrived at an amicable settlement before Daily Lok Adalat. 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 ***Kirin Gupta @ Kiran Gupta and another vs. State of Haryana (CRM-M-49342-2022)***.

Notice of motion.

Mr. Chetan Sharma, AAG, Haryana, who is present in Court, accepts notice on behalf of the respondent-State.

Heard learned counsel 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 Admittedly, the said complaint was withdrawn after the parties having arrived at a compromise.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 19.11.2022 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.7,500/- to be deposited with Punjab and Haryana High Court Legal Services Committee, which shall be a condition precedent.

11.04.2023
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No