

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

CRM-M-18318-2023

Date of Decision: 17.04.2023

PARBODH CHANDER JAIN PETITIONER

VS

**UNION TERRITORY OF CHANDIGARH & ANR
..... RESPONDENTS**

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Rahul Sharma-I, Advocate for the petitioner.

Mr. Paramjeet Singh Paul, APP, U.T., Chandigarh.

GURBIR SINGH, J. (ORAL)

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This is a petition under Section 482 Cr.P.C. filed by the petitioner to quash the order dated 31.07.2017 (Annexure P-4) passed in the criminal complaint no. NACT-3079-2015 (HDFC Bank Lt.d Vs. Parbodh Chander Jain) dated 07.07.2015 whereby the petitioner was declared as proclaimed person, passed by learned Judicial Magistrate Ist Class, Chandigarh in view of the fact the complaint under Section 138 of the Negotiable Instruments Act, 1881 stands dismissed as withdrawn.

Learned counsel for the petitioner has submitted that the petitioner was an accused in a complaint case filed under Section 138 of the Negotiable Instruments Act, 1881 (for short – the Act). He was declared a proclaimed person by the Court below vide order dated 31.07.2017 due to non appearance. He further submits that it was neither

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deliberately nor intentionally. In fact, the petitioner was totally unaware about issuance of summons or pendency of complaint against him in the Court as no notice, intimation or proclamation was served upon him.

It has further been brought to the notice of this Court that the complaint in question has already been dismissed as withdrawn. Learned counsel for the petitioner has also placed on record a copy of the order dated 05.11.2020 (Annexure P-3) passed by learned Judicial Magistrate Ist Class, Chandigarh, which shows that the parties had entered into compromise and the complaint under Section 138 of the Act has already been withdrawn.

Heard.

Keeping in view the above-said facts and circumstances, the present petition is allowed and the order dated 31.07.2017, passed by learned Judicial Magistrate Ist Class, Chandigarh, declaring the petitioner as a proclaimed person in complaint No.NACT-3079-2015 dated 07.07.2015, registered under Section 138 OF Negotiable Instruments Act and all other consequential proceedings arising therefrom, are hereby quashed.

Disposed of.

17.04.2023
renu

(GURBIR SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No