

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

206

CRM-M-21094-2023 (O&M)

Date of Decision: 28.07.2023

SUMIT KUMAR

... Petitioner

Versus

STATE OF HARYANA AND ANR

... Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Sankalp, Advocate
for the petitioner.

Mr. Rupinder Singh Jhand, Addl. A. G. Haryana.

HARNARESH SINGH GILL, J.(Oral)

As per the Office report, notice issued to respondent No.2
has not received back served or otherwise.

Since learned State counsel is representing respondent No.2
as well, it is not essential to serve respondent No.2, at this stage.

Through this petition, the petitioner seeks quashing of FIR
No.140 dated 29.03.2023, registered at Police Station Urban Estate Hisar,
under Section 174-A IPC along with all the consequential proceedings
arising therefrom.

Reply by way of an affidavit dated 27.06.2023 of the Deputy
Superintendent of Police, Headquarters, Hisar, filed on behalf of the
respondent-State, in the Registry, is taken on record.

Learned counsel for the petitioner submits that respondent
No.2 filed a complaint under Section 138 of the Negotiable Instruments

Act, 1881 against the petitioner; that the petitioner was declared as a proclaimed person vide order dated 04.01.2023 (Anexure P-3) passed by the Court below; that now a compromise has been effected between the parties and that on the basis of the said compromise, the complaint in question was dismissed as withdrawn vide order dated 10.04.2023 (Annexure P-2) passed by the learned Judicial Magistrate, Exclusive Court, NI Act, Hisar.

It is further contended by the learned counsel for the petitioner that when the very dispute contained in the complaint stands settled, there would be no justification in continuing with the present proceedings, which admittedly and indisputably have arisen out of the said complaint itself.

Learned State counsel does not dispute the factum of the settlement of the dispute between the parties. He, however, submits that the petitioner intentionally not appeared before the Court below and was rightly declared as proclaimed person. He, thus, prays for dismissal of the present petition.

Having heard learned counsel for the parties and taking into consideration the factum of settlement of the dispute between the parties and the complaint having been dismissed as withdrawn, this Court finds no justification in continuing with the proceedings arising out of complaint filed under Section 138 of the NI Act bearing No.NACT/484/2020 titled as 'HDFC Bank vs Khalsa Medical and others', which was registered against the petitioner having been declared a proclaimed person.

In view of the above, FIR No.140 dated 29.03.2023, registered at Police Station Urban Estate Hisar, under Section 174-A IPC along with all the consequential proceedings arising therefrom are hereby quashed qua the petitioner.

Allowed in the aforementioned terms.

28.07.2023

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No