

CRM-M-21408-2023

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2023:PHHC:141908

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

CRM-M-21408-2023
Date of decision : 07.11.2023

HOSHIYAR

....Petitioner

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Ms. Malika Sobti, Advocate for the petitioner.

Mr. A.K. Sehrawat, DAG, Haryana.

Mr. Jagjot Singh, Advocate for

Mr. Kunal Dawar, Advocate for respondent No.2.

PANKAJ JAIN, J. (ORAL)

Present petition has been filed seeking quashing of order dated 9th of May, 2018 along with all proceedings subsequent thereto.

2. While issuing notice of motion on 28th of April, 2023 following order was passed :

“Learned counsel for the petitioner inter-alia contends that the petitioner's manufacturing unit M/s R.D. Polymer as also its Head Office is at Tigaon Road, Navada More, Navada, District Faridabad (HR) - 121101 which address is different from the address of the petitioner as given in the complaint; the petitioner was alleged to have served through his son which is absurd as, even today, the petitioner is only 28 years of age; thus, the petitioner was not served in terms of the procedure prescribed under Section 82 Cr.P.C. and that the petitioner is also ready and willing to join the proceedings initiated against him by respondent No.2 under Section 138/142 of the Negotiable

Instruments Act, 1881 read with Section 420 IPC.

Notice of motion for 17.08.2023.

Mr. Viney Phogat, DAG, Haryana, accepts notice on behalf of the respondent-State.

Respondent No.2 be served through ordinary process.

In the meanwhile, operation of the impugned order dated 09.05.2018 is stayed.”

3. It is not disputed by counsel representing respondent No.2 that the petitioner has indeed appeared before the Trial Court and stands admitted to bail vide order dated 18th of July, 2023. However, he submits that pursuant to the impugned order, FIR under Section 174-A IPC came into being and the same is pending investigation.

4. Counsel for the petitioner submits that the petitioner undertakes to appear before the Trial Court regularly.

5. In view of the aforesaid undertaking, the present petition is disposed off with a direction to the petitioner who shall remain bound by the same.

6. Keeping in view the fact that FIR under Section 174-A IPC already came into being on the basis of order dated 9th of May, 2018 the petitioner shall be at liberty to avail alternate remedy in accordance with law.

November 07, 2023
Dpr

(Pankaj Jain)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No