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

**CRM-M-20601-2019(O&M)
Date of Decision: 13.03.2023**

M/S DALIP AND COMPANY

....Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : None for the petitioner.

Mr. Arun Beniwal, DAG, Haryana.

HARSH BUNGER, J. (Oral)

On 30.01.2023, no one had put in appearance on behalf of the petitioner and following order was passed:-

“Present petition under Section 482 Cr.P.C. is filed on behalf of the petitioner seeking issuance of directions to respondents No.2 and 3 to file status report in FIR No.1417 dated 21.09.2017 (Annexure P-2), under Section 174-A IPC, registered at Police Station Jagadhri City, District Yamuna Nagar or to arrest respondents No.6 and 7, who have been declared as a proclaimed offender in Complaint Case No.1637/16 dated 15.09.2016, filed under Section 138 of the Negotiable Instruments Act, vide order dated 07.09.2017 (Annexure P-1), passed by the Court of Judicial Magistrate Ist Class, Yamuna Nagar, Jagadhri.

Pursuant to order dated 23.03.2022, fresh status report by way of affidavit dated 06.08.2022 of Mr. Rajender Kumar, H.P.S., Deputy Superintendent of Police, Jagadhri (Yamuna

Nagar) has already been filed by learned State counsel, which is on record as Mark 'A', wherein it has been stated as under:-

“ - x - x -

3- That in this regard, it is submitted that the petitioner filed a private complaint no. 1637 of 2016 before the Ld. Area Magistrate u/s 138 of negotiable Instrument Act against respondent nos. 4 to 7. In the said complaint, it was averred that petitioner had business relations with respondent nos. 4 to 7 during course of business, the respondent no. 7 had purchased paddy from petitioner through local commission agents in the financial year 2014-15 with condition that the accused persons have to make the payment within 15 days from the date of purchase, failing which interest @ 1.6% per month would have to be paid. But private respondents have not made the payment. As on 31-03-2016, principal amount of Rs.11,30,696/- was due against respondent nos. 4 to 7 besides the interest of the said amount, which has been confirmed by the respondent nos. 4 to 7.

4- That in discharge of its legally enforceable liability, the respondent nos. 4 to 7 issued cheques to the petitioners. But the said cheques have been dishonoured on its presentation due to 'funds insufficient'. After completing legal formalities the petitioner filed complaints no. 1637 of 2016. After filing the complaint, the notice has been sent to private respondent number of times. But the said respondents have not appeared before the Ld. Court intentionally and deliberately. After completing legal formalities the respondent no. 6 and 7 have been declared as Proclaimed persons by the Ld. Court of Sh. Upendera Singh Judicial Magistrate, 1st class, Yamuna Nagar at Jagadhri vide order dt. 07-09-2017 and a copy of order was sent to SHO, P.S. City Jagadhri for lodging FIR against the respondent nos. 6 and 7, u/s 174-A IPC in view of the letter no. 11766

Gaz. II.17 dt. 28-04- 2015 issued by this Hon'ble High Court. In compliance of the said order, FIR No. 1417, dt. 21- 09-2017, u/s 174-A IPC was registered at P.S. City Jagadhri. After registration of case, investigation was carried out by the local police and the police have done maximum efforts to arrest the respondent no. 6 and 7. But the respondent no. 6 and 7 were not found, however, meanwhile, the respondent no. 6 and 7 were arrested in case FIR N. 31, dt. 20-01-2018, u/s 420, 406, 506, 323, 120-B IPC, P.S. Butana, Distt. Karnal on 04-10-2020. So, after taking necessary permission from the Ld. Area Magistrate, the respondent no. 6 and 7 namely Kewal Krishan Kumar and Sidharth were joined in the investigation of the present case.

5- *That after completing the investigation, challan was submitted in the present case before the ld. Trial Court. During the trial, accused confessed their guilt, accordingly, Ld. Trial Court of Ms. Monika, JMIC, Yamunanagar at Jagadhri vide its judgment dated 12.05.2021 and on quantum of sentence and in view of age, character, antecedents of the convicts and nature of offence, the Ld. Trial Court sentenced the accused under section 174A IPC with imprisonment for the period from 10.10.2020 to 12.05.2021, which they have already undergone during the pendency of the case.*

6- *That it is, however, submitted that large number of criminal cases have been found registered against the respondents no. 6 and 7. In some of the cases they have been convicted and some cases are pending trial.*

7- *That in view of submission made above, it is submitted that respondents Nos. 6 and 7 have already been convicted and sentenced with the imprisonment for the period from 10.10.2020 to 12.05.2021, which they have already undergone during the pendency of the case. As such there is no force/ merit in the present case and the same deserves to be dismissed.*

- x - x - ”

While referring to the aforesaid status report, learned State counsel submits that the present petition has become infructuous.

Today, there is no representation on behalf of the petitioner and respondents No.6 and 7.

List on 13.03.2023.

Learned counsel for the petitioner as well as respondents No.6 and 7 be notified of the date fixed.”

Today, again no one has appeared on behalf of the petitioner despite being notified of the date fixed.

It appears that the petitioner is no more interested in pursuing the present petition.

Dismissed for non-prosecution.

13.03.2023
Amandeep

(HARSH BUNGER)
JUDGE

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