

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

CRM-M-32285-2022
Decided on : 11.04.2023

Surinder Kaur

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. D.V.Dhindsa, Advocate
 for the petitioner.

Manjari Nehru Kaul, J.(Oral)

The instant petition has been filed under Section 482 Cr.P.C. for quashing of order dated 24.10.2017 (Annexure P-6) passed by JMIC, Naraingarh and FIR No.83 dated 15.02.2020 (Annexure P-3) under Section 174-A IPC registered at Police Station Mahesh Nagar District Ambala Cantt and all consequential proceedings arising therefrom.

Learned counsel for the petitioner, at the outset, has drawn the attention of this Court to order dated 04.09.2018 wherein it stands reflected that the complaint under Section 138 of the Negotiable Instruments Act, 1881 (for short, 'the NI Act') stands withdrawn on account of the fact that the matter was compromised between the parties. He further submits that vide order dated 30.07.2020 passed by Addl. Sessions Judge, Ambala petitioner was also granted anticipatory bail. 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 she was not involved in any

other criminal case much less under Section 138 of the NI Act nor had she been declared a proclaimed offender prior thereto in any other case.

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 Admittedly, the said complaint was withdrawn after the parties having arrived at a compromise.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 she 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 24.10.2017 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.5,000/- to be deposited with Punjab and Haryana High Court Legal Services Committee, which shall be a condition precedent.

11.04.2023
sonia

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No