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

CRM-M-31557-2022

Decided on:-12.01.2023

Himanshu Arora

....Petitioner

vs.

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Gurmohan Singh Bedi, Advocate,
for the petitioner.

Mr. Vijesh Sharma, Additional Advocate General, Haryana.

HARKESH MANUJA J.

By way of present petition under Section 482 Cr.P.C., prayer has been made for quashing of order dated 29.09.2017 passed by learned JMIC, Ambala, vide which, the petitioner was declared as a proclaimed person and further for quashing of FIR No.316, dated 16.02.2020, under Section 174-A IPC, registered at Police Station Ambala City and all subsequent proceedings arising therefrom qua him.

Brief facts of the case are that on account of dishonour of cheque bearing No.143565 dated 25.08.2015, a complaint under Section 138 of the Negotiable Instruments Act, 1881 (for short, "Act") was filed against the petitioner, wherein, he was summoned vide order dated 17.10.2016 passed by learned Judicial Magistrate, Ist Class, Ambala but the petitioner could not appear before the Magistrate as the summons/notices were never served upon him. Thereafter, the learned Magistrate issued bailable warrants against the petitioner, but the same were received back with the report that

the petitioner had left the address.

During pendency of complaint, on 29.09.2017, the petitioner was declared as a proclaimed person, resulting into registration of present FIR No.316 dated 16.02.2020, against him under Section 174-A IPC and later on, was arrested by the police. The petitioner was granted regular bail in the present FIR case vide order dated 22.11.2021 passed by the court of learned Chief Judicial Magistrate, Ambala. Later on, the matter was compromised between the parties, on the basis of which, complaint under Section 138 of the Act, was dismissed as withdrawn, vide order dated 31.07.2018 passed by the court of learned Judicial Magistrate Ist Class, Ambala.

Learned counsel for the petitioner submits that the non-appearance of the petitioner before the trial court was wholly unintentional at the relevant time as he was not aware about the filing of complaint under Section 138 of the Act and moreover, the summons/notice were never served upon him. He further submits that even otherwise, once the proceedings under Section 138 of the Act have already come to an end, no useful purpose is going to be served by continuing with the proceedings arising out of the FIR in question. In support, learned counsel for the petitioner relies upon judgments of this Court, passed in CRM-M-3716-2018, titled as “Baljeet Kaur vs. State of Haryana and another” CRM-M-16449-2018, titled as “Satish Kumar vs. State of Haryana and another” and CRM-M-30911-2021, titled as “Ram Kumar Rana vs. State of Haryana and another”.

On the other hand, learned State counsel submits that the petitioner was well aware of the pendency of the complaint and was

deliberately avoiding the appearance before the trial court, with a purpose to delay the proceedings.

I have heard learned counsel for the parties and gone through the paper book.

Once, the complaint under Section 138 of the Act already stands withdrawn by the complainant, no useful purpose is going to be served by carrying on with the proceedings arising out of the present FIR. Even otherwise, the case of the petitioner is fully covered with the judgments passed by this Court in Baljeet Kaur's case (supra), Satish Kumar's case (supra) and Ram Kumar Rana's case (supra).

Accordingly, the petition is allowed. FIR No.316 dated 16.02.2020 registered under Section 174-A, at Police Station, Ambala City and all other subsequent proceedings arising therefrom are ordered to be quashed, subject to deposit of a sum of Rs.20,000/- by the petitioner within a period of two weeks from today in the following account:-

Account Name – Punjab and Haryana High Court Bar
Association Lawyer's Family Welfare Fund
Account No.-41564846387
Bank Name- SBI High Court Branch.

12.01.2023
sonika

(HARKESH MANUJA)
JUDGE

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