

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(120)

2023:PHHC:074081
CRM-M-25930-2023
Date of Decision: 22.05.2023

Anil Kumar Lamba

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. Parminder Singh, Advocate for the petitioner.

RAJESH BHARDWAJ.J (Oral)

The present petition has been filed under 482 Cr.P.C praying for quashing of order dated 19.5.2022 (Annexure P-2), whereby proceedings under sections 82/83 Cr.P.C have been carried out against the petitioner and he has been declared as Proclaimed Person and subsequently FIR No.0458 dated 2.7.2022 registered under Section 174-A IPC registered at Police Station, Sector 32-33, Karnal may also be quashed on the basis of fact that complaint no. NACT 2688/2021 dated 8.10.2021 has been dismissed as withdrawn vide order dated 3.4.2023 (Annexure P-4).

Learned counsel for the petitioner submits that petitioner was prosecuted in the complaint filed under Section 138 of Negotiable Instruments Act. It is submitted that the petitioner was never served and the Trial Court issuedailable warrants and then non-ailable warrants against the petitioner and ultimately declared him a Proclaimed Person and the above said FIR was registered. He has further submitted that the petitioner was never served in the said complaint. It is further submitted that the matter has been compromised by the petitioner and the complaint has already been withdrawn by the complainant on 3.4.2023.

Notice of motion.

On the asking of the Court, Mr. Sandeep Kumar, D.A.G., Punjab accepts notice on behalf of respondent-State.

Learned State counsel has contended that the petitioner has been rightly declared as a Proclaimed Person as he failed to appear before the court on the date fixed without any reasonable cause.

After hearing counsel for the parties and perusing the record, this court is of the opinion that as the matter has been settled by the parties and the main complaint has already been withdrawn as is clear from the order dated 3.4.2023 placed on record, no useful purpose will be served by keeping the proceedings alive. So keeping in view the above said facts, the impugned order dated 19.5.2022 (Annexure P-2) is set aside subject to payment of Rs.25,000/- as costs to be deposited with the Poor Patients' Welfare Fund, P.G.I.M.E.R., Chandigarh by the petitioner within a period of one week from today. Petitioner is directed to file the receipt showing deposit of above said costs before the Registry of this court, within a period of 10 days from today.

Consequently, order dated 19.5.2022 (Annexure P-2) and FIR No.0458 dated 2.7.2022 registered under Section 174-A IPC registered at Police Station, Sector 32-33, Karnal, are set aside.

In case the petitioner fails to deposit the costs as stated above, the Registry is directed to list the case as an IOIN in motion hearing for further orders.

Petition is disposed of in the above terms.

(RAJESH BHARDWAJ)
JUDGE

22.05.2023

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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No