

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M- 27877-2023 (O&M)
Date of Decision: 31.05.2023

Mukund S. Karwa @ Mukund Subhash Karwa

... Petitioner(s)

Versus

M/s India Infoline Finance & others

...Respondent (s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Mr. Sanjay Verma, Advocate
 for the petitioner(s).

 Mr. Vineet Sehgal, Advocate
 for respondents.

ANOOP CHITKARA, J.

Criminal Complaint	CIS No. NACT/15433/2016 dated 14.12.2016 under Sections 138, 141, 142 of the Negotiable Instruments Act read with Section 200 CrPC, District Gurugram. Date of Decision: 02.04.2022
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Seeking quashing of proclamation order dated 17.11.2021 passed by JMIC Gurugram, the accused has come up before this court under Section 482 of the Code of Criminal Procedure, 1973 (CrPC).

2. During the course of arguments, Ld. counsel for the petitioner confines his prayers against quashing of PO order, reserving liberty to file a separate petition for quashing of FIR, if any. Thus, the present petition is confined to PO order, Annexure P-2, and liberty is reserved to file a separate petition for quashing of FIR, if any, registered pursuant to order dated 17.11.2021.
3. Although respondent no.2 has not been served, but since the petitioner is only challenging the proclamation order, which is subject matter between the accused, Court and the police, as such, respondent no.2 is not a necessary party. However, counsel for the respondents submits that he has no objection if order is quashed.
4. Petitioner was arraigned as an accused in the above captioned matter. On failure to serve the petitioner through the ordinary process, including summons, bailable warrants, and even non-bailable warrants, the concerned court finally proceeded against the petitioner under section 82 of CrPC and declared the petitioner a proclaimed offender vide order dated 17.11.2021 passed by JMIC Gurugram.

5. Vide order dated 02.04.2022, passed by Ld. JMFC, Gurugram, the accused was acquitted and the complaint was treated as compounded.

6. Given the compromise and acquittal of the petitioner in the main complaint, the impugned order of proclamation 17.11.2021 passed by JMFC Gurugram, in this matter is set aside.

Petition allowed in the terms mentioned above. All pending applications, if any, shall stand disposed of.

(ANOOP CHITKARA)
JUDGE

31.05.2023
Jyoti-II

Whether speaking/reasoned	:	Yes
Whether reportable	:	No