

2023 : PHHC : 042241

**260+114 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-38638-2022 (O&M)
Date of Decision: 15.03.2023**

SHESH NATH PARSAD	... PETITIONER
V/S	
STATE OF HARYANA & ANOTHER	... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Deepak Chauhan, Advocate for the petitioner.
Mr. Surinder Kumar Dagar, DAG Haryana.

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VIVEK PURI, J. (ORAL)

The petitioner is seeking to quash/set aside the order dated 04.05.2022 passed by the Court of learned Judicial Magistrate First Class, Panchkula vide which the petitioner has been declared a proclaimed person and FIR bearing No. 209 dated 21.05.2022 under Section 174-A IPC registered at Police Station Sector 7, Panchkula.

As per the office note, the respondents are served but none has appeared on behalf of respondent No.2.

Learned counsel for the petitioner contends that Surinder Sharma had instituted a complaint under Sections 138 of the Negotiable Instruments Act against the petitioner on account of dishonor of the cheque for a sum of Rs. 42,000/-. The petitioner was declared a proclaimed person in terms of the order dated 04.05.2022. Furthermore, the intimation was also sent to the SHO concerned to register an FIR under Section 174-A of the Indian Penal Code against the petitioner. Consequently, the FIR No.

209 dated 21.05.2022 under Section 174-A IPC has been registered at Police Station Sector 7, Panchkula.

In pursuance of the order passed by this Court on August 29, 2022, the petitioner had surrendered himself in the trial Court on 06.09.2022 and had also presented a demand draft of Rs. 20,000/-. It was further directed that on his doing so, the petitioner be released on interim bail on furnishing personal bonds and surety bonds to the satisfaction of the trial Court. The copy of the order dated 06.09.2022 passed by learned Judicial Magistrate First Class, Panchkula indicates that the petitioner had surrendered in the trial Court, placed on record the demand draft No. 750159 dated 02.09.2022 in the sum of Rs. 20,000/- drawn on Union Bank of India. The petitioner was also admitted on interim bail. Subsequently, in pursuance of the order dated 19.12.2022 passed by this Court, the demand draft was also handed over the complainant. The matter in the trial Court was taken up in the Daily Lok Adalat. The entire outstanding amount due payable to Surinder Sharma, complainant was paid by the petitioner in full and final settlement of his entire monetary liability towards him. Consequently, in view of the statement of Surinder Sharma, the complaint under Section 138 of the Negotiable Instruments Act was dismissed as withdrawn in terms of the order dated 13.01.2023. In view of the amicable settlement between the parties, the aforesaid order vide which the petitioner has been declared a proclaimed person and the FIR under Section 174-A IPC are liable to be quashed.

Learned State counsel has contended that the FIR No. 209 dated 21.05.2022 under Section 174-A IPC at Police Station Sector 7,

Panchkula has been registered as the petitioner was declared a proclaimed person and in pursuance of the directions issued by the learned trial Court.

The material on record is indicative of the fact that the complaint under Section 138 of the Negotiable Instruments Act was instituted against the petitioner on account of dishonor of the cheque of Rs. 42,000/-. Significantly, the amount has been paid by the petitioner to the complainant in that case and the complaint has been withdrawn in terms of the order dated 13.01.2023.

A co-ordinate bench of this Court in **CRM-M-43813-2018** titled as **“Baldev Chand Bansal vs. State of Haryana and another”**, decided on **29.01.2019** has held as under:-

“Learned counsel for the petitioner has relied upon the decisions rendered by this Court in “Vikas Sharma vs. Gurpreet Singh Kohli and another (supra), 2017, (3) L.A.R.584, Microqual Techno Limited and others Vs. State of Haryana and another, 2015 (32) RCR (Crl.) 790 and “Rajneesh Khanna Vs. State of Haryana and another” 2017(3) L.A.R. 555 wherein in an identical circumstance, this Court has held that since the main petition filed under Section 138 of the Act stands withdrawn in view of an amicable settlement between the parties, therefore, continuation of proceedings under Section 174A of IPC shall be nothing but an abuse of the process of law.”

The dispute with regard to the dishonor of the cheque has been amicably settled between the parties and the complaint has been dismissed as withdrawn. Consequently, it shall be appropriate to quash the order vide which the petitioner has been declared a proclaimed person and the FIR which has been registered under Section 174-A of the Indian Penal Code to put a quietus to the entire matter.

Keeping in view the aforesaid facts and circumstances emerging in the instant case and the ends of justice will meet if the petition is allowed and accordingly, order dated 04.05.2022 passed by the Court of learned Judicial Magistrate First Class, Panchkula and FIR bearing No. 209 dated 21.05.2022 under Section 174-A IPC, registered at Police Station Sector 7, Panchkula against the petitioner are quashed.

The petition is allowed.

15.03.2023

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No