

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

CRM-M-39224-2022
Decided on : 19.01.2023

Ram Sawroop @ Ram Swaroop Moond

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Deepak Kaushal, Advocate
 for the petitioner.

Mr. Surender Singh, AAG, Haryana.

Manjari Nehru Kaul, J.(Oral)

The instant petition has been filed under Section 482 Cr.PC for quashing of FIR No.252 dated 25.05.2022 under Sections 174-A IPC registered at Police Station Dabwali Sadar, District Sirsa.

Learned counsel for the petitioner has primarily prayed for setting aside the impugned order on the ground that he was never served either with the summons or warrants issued by the trial Court in the complaint instituted under Section 138 of Negotiable Instruments Act (hereinafter referred to as 'the Act'). Learned counsel therefore, submits that absence of the petitioner was thus, not intentional as he was unaware about the pendency of the complaint instituted against him under Section 138 of the Act and still further, even the proclamation was never served upon him as per the provisions of Section 82 Cr.PC. Learned counsel has vehemently contended that as soon as the petitioner learnt about the pendency of the complaint in question, he immediately made the payment of the cheque amount to respondent No.2 and compromised the matter with him. Resultantly, the complaint instituted under Section 138 of the Act by respondent No.2, was withdrawn by him on

07.07.2022. 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 he was not involved in any other criminal case much less under Section 138 of the Act nor had he been declared a proclaimed offender prior thereto in any other case.

On the other hand, learned State counsel has opposed the prayer made by the counsel opposite and contended that it was evident that the petitioner had intentionally not appeared during the proceedings before the Court below and hence, the prayer of the petitioner deserved to be declined.

Heard learned counsel for the parties 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 Act. Admittedly, the said complaint was withdrawn after the parties arrived at a compromise. Furthermore, the petitioner is neither involved in any other criminal case nor was he 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 21.01.2022 declaring the petitioner as proclaimed person as well as FIR registered under Section 174-A IPC and consequential proceedings arising therefrom are set aside.

19.01.2023
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable :

Yes/No