

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

(206)

CRM-M-40551-2022 (O&M)

Date of Decision:20.11.2023

Shyam Lal

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present :- Mr. Pawan Attri, Advocate for the petitioner.

JASGURPREET SINGH PURI J.(Oral)

The present petition has been filed under Section 482 Cr.P.C. for quashing of impugned order dated 04.07.2019 (Annexure P-1) passed by the learned JMIC, Pehowa in NACT No.199 of 2017 dated 11.09.2017 as also FIR No. 436 dated 08.08.2020 registered under Section 174-A at Police Station Pehowa, District Kurukshetra.

Learned counsel for the petitioner has submitted that the dispute in the present case is regarding a complaint filed under Section 138 of the Negotiable Instruments Act (hereinafter to be referred to 'N.I. Act') and thereafter the dispute itself was resolved and the matter was compromised between the parties. While referring to Annexure P-4 learned counsel for the petitioner submitted that vide order dated 11.08.2020 the respondent

No.2 (complainant before the trial court) had made a statement for withdrawal of the complaint itself and consequently vide the aforesaid order dated 11.08.2020, the complaint filed under N.I. Act, was dismissed as withdrawn as the matter stood compromised and the petitioner was admitted to bail.

He further submitted that in view of the aforesaid position, the petitioner is no-longer a proclaimed offender but the proceedings under Section 174-A IPC are still continuing against him. He further submitted that since the subject matter of the basic complaint under the N.I. Act, has already been extinguished and the complaint itself had been withdrawn and as such no useful purpose would be served in case proceedings under Section 174-A IPC are continued against the petitioner and in this regard also referred to the judgment passed by a Coordinate Bench of this Court in **Sanjay Kumar Vs. State of Haryana and another 2022 (3) R.C.R. (Criminal) 923.**

Mr. Naveen Kumar Sheoran, DAG, Haryana, has also submitted that so far as the prayer of the petitioner for quashing of the order dated 04.07.2019 (Annexure P-1), is concerned, the same does not survive in view of the order dated 10.08.2020 by which the petitioner was already admitted to bail and so far as the proceedings under Section 174-A of IPC are concerned, the same was initiated only because the petitioner was declared a proclaimed offender.

I have heard learned counsel for the parties.

The petitioner vide order dated 10.08.2020 was granted bail by the trial court and through the same order the complaint under N.I. Act was

withdrawn on the basis of the compromise and as such the basic subject matter of the complaint filed under 138 of N.I. Act, had been extinguished. Since the petitioner was granted bail, there is no need for passing of any order for challenging the proceedings declaring the petitioner as proclaimed offender. So far as the proceedings filed under Section 174-A IPC are concerned this Court is of the view that once the complaint itself has been withdrawn and the petitioner was granted bail then no useful purpose would be served in case further prosecution of the petitioner under Section 174-A IPC is carried on and the above-said judgment relied by learned counsel for the petitioner is well placed.

In view of the aforesaid facts and circumstances, the present petition is partly allowed and the FIR bearing No.0436 dated 08.08.2020 under Section 174-A, registered at Police Station Pehowa, District Kurukshetra, is hereby quashed.

(JASGURPREET SINGH PURI)
JUDGE

20.11.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No