

[206] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-39068-2023
Date of Decision : 16.10.2023

S. Nagarajan ...Petitioner

versus

State of Haryana and anotherRespondents

Coram : HON'BLE MS. JUSTICEMANJARI NEHRU KAUL

Present : Mr. Siddharth Batra, Advocate,
Mr. Nitesh Jhahria, Advocate and
Mr. Ishaan Dogra, Advocate
for the petitioner.

Ms. Trishanjali Sharma, Dy. A.G., Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

[1] Instant petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.447 dated 20.03.2022(Annexure P-1) under Section 174-A of the Indian Penal Code, 1860 registered at Police Station Shivaji Nagar, Gurugram along with all consequential proceedings arising therefrom.

[2] On the last date of hearing, the following order was passed:-

“ Learned counsel, inter alia, contends that the petitioner had availed two loans from complainant-bank and it was a matter of record that both the loans stood repaid to the complainant-bank pursuant to which no due certificate was also issued by them. He submits that two separate complaints were instituted by the complainant-bank for both the loans i.e. NACT 3499/2017 and NACT 3533/2017. As far as the NACT 3533/2017 is concerned that has been withdrawn in view of the fact that the loan stands repair.

However, as far as NACT 3499/2017 is concerned, though there is a no due certificate issued, the complaint has still not been withdrawn and even the amount involved therein is Rs.14,894/-. ”

[3] Learned counsel has placed on record copy of order dated 22.09.2023 passed by learned Judicial Magistrate First Class (JMFC), Gurugram. The same is taken on record, subject to all just exceptions. While drawing the attention of this Court to the aforesaid order, he submits that the complaint has been withdrawn and the petitioner has been acquitted. In support of his submissions, learned counsel has placed reliance upon the judgment of this Court in ***Sher Singh vs. State of Haryana (CRM-M-11846-2023) decided on 09.03.2023*** wherein in identical facts and circumstances, the FIR registered under Section 174-A of the IPC against the petitioner was quashed.

[4] 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.

[5] Heard learned counsel for the parties and perused the relevant material on record.

[6] The petitioner was declared a proclaimed offender in a complaint case under Section 138 of the NI Act. Admittedly, the said complaint was withdrawn after the parties arrived at a compromise. Hence, continuation of criminal proceedings for offence under Section 174-A of the

CRM-M-39068-2023

-3-

[7] Accordingly, the present petition is allowed and FIR registered under Section 174-A of the IPC and all consequential proceedings arising therefrom are quashed.

(MANJARI NEHRU KAUL)
JUDGE

16.10.2023
'Rajneesh'

Whether speaking/ reasoned : Yes/No
Whether reportable : Yes/No