

121 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-58017-2023
Decided on : 21.11.2023

Shashikant Kumar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Ashok Bhardwaj, Advocate
for the petitioner.

Manjari Nehru Kaul, J.(Oral)

The instant petition has been filed under Section 482 Cr.P.C. for quashing of order dated 20.05.2022 (Annexure P-2) passed by JMIC, Sirsa vide which petitioner has been declared as proclaimed person and FIR No.358 dated 07.06.2022 (Annexure P-3) under Section 174-A IPC registered at Police Station Civil Line District Sirsa.

2. Learned counsel for the petitioner, at the outset, has drawn the attention of this Court to order dated 17.07.2023 (Annexure P-5) wherein it stands reflected that the complaint under Section 138 of the Negotiable Instruments Act, 1881 (for short, 'the NI Act') stands withdrawn by the complainant. 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 NI Act nor had he been declared a proclaimed

offender prior thereto in any other case. 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.***

3. Notice of motion.

4. On asking of the Court, Ms. Trishanjli Sharma, DAG, Haryana accepts notice of the petition.

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

6. In the light of submissions made by learned counsel representing the petitioner together with the fact that complaint under Section 138 of the Act stands withdrawn, this Court deems it appropriate to quash the criminal proceedings in the instant case. Accordingly, the petition is allowed, and the FIR (Annexure P-3) and all consequential proceedings arising out of it, are quashed.

21.11.2023
sonia

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No