

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-51656-2022
Reserved on : 25.01.2023
Pronounced on : 06.02.2023

Mukund Karwa @ Mukund Subhash KarwaPetitioner

Vs.

M/s India Infoline Finance and othersRespondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sanjay Verma, Advocate for the petitioner.

ANOOP CHITKARA J.

Criminal Complaint	No.3125 dated 27.02.2017 u/s 138, 141, 142 of NI act read with Section 200 CrPC titled as M/s India Infoline Finance vs. M/s Krishidhan Seed Pvt. Ltd.
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Seeking quashing of order declaring the petitioner as a proclaimed offender and ordering registration of FIR under section 174-A of IPC, the accused has come up before this court under Section 482 CrPC.

2. After dishonour of cheque handed over by the second respondent to the respondent No. 1, the second respondent had filed a complaint against the respondent No. 1 and director of respondent No. 1 including petitioner under section 138 of Negotiable Instruments Act, 1881.
3. The accused could not be served through the ordinary process, including summons, bailable warrants, and even non-bailable warrants. The concerned court finally proceeded against the petitioner under section 82 of CrPC and declared the petitioner a proclaimed offender vide aforesaid order.
4. After issuance of proclamation, the accused duly compensated the complainant and a demand draft for Rs. 2,96,318/- was handed over to the Complainant through its counsel, and this fact emerges in order dated 02-04-2022, when based on this, the court closed the proceedings, consigning the file to the record room.
5. In paragraph 3 of the petition, the petitioner explains that he was not signatory to the cheque and due to this misunderstanding, he could not appear. In the case's factual background, I am satisfied with the explanation offered. The primary matter stands dismissed

as withdrawn; there is no justification for continuing the ancillary proceedings. Consequently, in the facts and circumstances peculiar to this case, the above captioned impugned order Annexure 17-11-2021 and the consequent proceedings i.e. direction to concerned SHO to proceed with proceeding u/s 174-A IPC are hereby quashed.

Petition allowed. All pending applications, if any, stand closed.

(ANOOP CHITKARA)
JUDGE

06.02.2023
anju rani

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