

CRM-M-55688-2022

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

CRM-M-55688-2022

Decided on: 14.02.2023

Mukund Karwa @ Mukund Subhash Karwa

...Petitioner

Versus

M/s India Infoline Finance and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

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

ANOOP CHITKARA, J.

Complaint No.9998 dated 23.08.2016 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.

Seeking quashing of order dated 09.08.2019 (Annexure P-2) declaring the petitioner as a proclaimed offender and ordering/initiation of proceeding 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 petitioner to the respondents, the respondents had filed a complaint against the petitioner and director of company 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 compounded; there is no justification for continuing the ancillary proceedings. Consequently, in the facts and circumstances peculiar to this case, the above captioned impugned order dated 09.08.2019 and the consequent proceedings i.e. direction to concerned SHO to proceed with proceeding u/s 174-A IPC are hereby quashed.

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6. *There would be no need for a certified copy of this order, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. In case the attesting officer wants to verify the authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.*

Petition allowed to the extent mentioned above. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

14.02.2023
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Whether speaking/reasoned: Yes
Whether reportable: No.