

288 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-1235-2024
Decided on:-24.01.2024

Shekhar MehtaPetitioner..

vs.

State of Haryana and anotherRespondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: None for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

Service of respondent No.2 is dispensed with.

HARKESH MANUJA J. (Oral)

1. The petitioner, by way of present petition filed under Section 482 Cr.P.C., seeks quashing of order dated 05.09.2023 (Annexure P-3) passed by learned Judicial Magistrate 1st Class, Fatehabad in complaint case No.NACT/95/2021, titled “*Parveen Kumar vs. Shekhar Mehta*”, whereby he was declared a proclaimed person; further quashing of FIR No. 530 dated 29.09.2023, under Section 174-A IPC, registered at Police Station City Fatehabad (Annexure P-4) and all consequential proceedings arising therefrom, in view of the complaint in question having been dismissed as withdrawn vide order dated 06.11.2023 (Annexure P-2).
2. No one has put in appearance on behalf of the petitioner to argue the matter.
3. Learned State Counsel, while opposing the prayer made herein, contends that it was evident that the petitioner had intentionally not appeared

during the proceedings before the Court below.

4. I have heard learned State counsel and perused the paper book.
5. The petitioner was declared a proclaimed person vide impugned order dated 05.09.2023 in a complaint case under Section 138 of the Negotiable Instruments Act, 1881 (for short, “NI Act”).
6. Admittedly, the complaint under Section 138 of the NI Act was withdrawn after the parties arrived at a compromise. Furthermore, the petitioner was neither involved in any other criminal case nor declared a proclaimed offender/person any time prior thereto, thus, the continuation of criminal proceedings under Section 174-A IPC would serve no useful purpose. The aforesaid view has been derived from judgment dated 09.03.2023 passed by a Coordinate Bench of this Court in **CRM-M-11846-2023**, titled **“*Sher Singh Versus State of Haryana*”**.
7. Accordingly, the present petition is allowed and the impugned order dated 05.09.2023 declaring the petitioner as proclaimed person as well as FIR registered under Section 174-A IPC and all consequential proceedings arising therefrom are set aside.

24.01.2024
sonika

(HARKESH MANUJA)
JUDGE

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