

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

132

CRM-M-2004-2024

Date of decision: 15.01.2024

Sandeep Kumar Sharma

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Hasrat Brar, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.212 dated 09.12.2019 registered at Police Station City Hoshiarpur, District Hoshiarpur under Section 174-A of the IPC and order dated 31.10.2023 passed by learned CJM, Hoshiarpur vide which he has been declared a proclaimed person in case bearing CIS No.CHI/627/2021 titled as 'State of Punjab Vs. Sandeep Kumar Sharma etc.'

2. Learned counsel for the petitioner submits that a Complaint Case bearing CIS No.NACT/309/2017 was instituted against the petitioner in which he was declared a proclaimed person vide order dated 10.07.2019 by the Trial Court, pursuant to which an FIR under Section 174-A of the IPC was registered against him wherein he was again declared a proclaimed person vide order dated 31.10.2023; the reason for non-appearance of the petitioner was that the petitioner had compromised the matter in the complaint filed under NI Act, with the complainant; the complainant had also suffered a statement in the

said regard before the Trial Court concerned. In support, learned counsel has filed a copy of order dated 10.07.2019 declaring him a proclaimed person which is taken on record subject to all just exceptions. Learned counsel has also drawn the attention of this Court to Annexure P-3 dated 29.07.2019 wherein it indeed stands reflected that the complainant-respondent No.2 had suffered a statement before the Court concerned qua the matter having been amicably compromised and he not wanting to pursue the complaint any further, as a result of which the complaint was ordered to be dismissed as withdrawn. 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.

3. Notice of motion.

4. On asking of the Court, Mr. Arun Luthra, DAG, Punjab. accepts notice on behalf of respondent No.1-State.

5. 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.

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

7. The petitioner was declared a proclaimed person in a complaint case under Section 138 of the NI Act pursuant to which the instant FIR has been registered against him. Admittedly, the said complaint was withdrawn after the parties arrived at a compromise.

Hence, the continuation of criminal proceedings under Section 174-A

IPC would serve no useful purpose.

8. Accordingly, the present petition is allowed and the impugned order dated 31.10.2023 declaring the petitioner as proclaimed person as well as FIR registered under Section 174-A IPC and consequential proceedings arising therefrom are set aside.

15.01.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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