

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

124. CRM-M No.3419 of 2024 (O&M)
Date of Decision:20.02.2024

M/s New World Overseas Education and others ... Petitioners
Versus
State of Punjab and another ... Respondents

CORAM : HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ramandeep Singh Gill, Advocate and
Mr. Jatin Bansal Kotshamir, Advocate
for the petitioners.

HARPREET SINGH BRAR, J. (ORAL)

1. The petitioner has approached this Court under Section 482 Cr.P.C. seeking quashing of proclamation order dated 02.07.2022 passed by the Judicial Magistrate 1st Class, SAS Nagar vide which petitioners were declared as proclaimed persons in complaint No.NACT/1029 of 2019 dated 04.11.2019 under Section 138 of the Negotiable Instruments Act, 1881 (for short NI Act), in view of the compromise arrived at between the petitioners and respondent No.2.

2. Learned counsel appearing for the petitioners, *inter alia*, contends that petitioners issued a cheque to respondent No.2 to discharge their liability but on presentation for encashment by the complainant, the same was dishonoured. Respondent No.2-complainant filed a complaint under Section 138 of the NI Act in which the petitioners were never served. It is further contended that the learned trial Court on the basis of service report submitted by the process server, initiated proceedings against them under Section 82/83 Cr.P.C. and ultimately, vide order dated 02.07.2022 they were declared as proclaimed persons. However, now with the intervention of respectable persons, the matter has been compromised between the petitioners and respondent No.2, in lieu of which an

amount of Rs.75000/- has already been paid to respondent No.2 and nothing is due towards him. Since the matter has been compromised between the petitioner and the complainant-respondent No.2, the impugned order is liable to be set aside.

3. Notice of motion.

4. Mr. Subhash Godara, Addl. A.G., Punjab, who is present in Court, accepts notice for respondent No.1-State and submits that the petitioners did not put in appearance before the trial Court intentionally and deliberately and therefore, having left with no other option, they were declared proclaimed persons and proceedings under Section 174A IPC were initiated against them. However, he does not dispute the fact that the matter has been compromised between the petitioners and respondent No.2-complainant.

5. At this stage, Mr. Pankaj Bains, Advocate has put in appearance on behalf of respondent No.2, who admits to the factum of compromise arrived at between the petitioners and respondent No.2 and submits that he has no objection in case the impugned order is set aside.

6. I have heard learned counsel for the parties and perused the record of the case with their able assistance. With the consent of parties, the case is taken up for final disposal.

7. Admittedly, a compromise has been arrived at between the petitioners in terms of which, the amount due to respondent No.2-complainant has already been paid and therefore, no purpose would be served in continuing with the proceedings as per the impugned order dated 02.07.2022. Reference in this regard can be made to consistent view of this Court in ***Vikas Sharma Vs. Gurpreet Singh Kohli and another 2017 (3) L.A.R. 584, Microqual Techno Limited and others Vs. State of Haryana and another 2015 (32) RCR (Crl.) 790***

and Rajneesh Khanna Vs. State of Haryana and another 2017 (3) L.A.R. 555.

8. In view of the aforesaid facts and circumstances, impugned order dated 02.07.2022 is hereby quashed along with all subsequent proceedings arising therefrom and the instant petition is disposed of in above terms.

(HARPREET SINGH BRAR)
JUDGE

February 20, 2024

Pankaj*

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