

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

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2024:PHHC:025865
CRM-M-10118-2024
Date of decision: February 26th, 2024

Anil Jaydayal Tanjea

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Rishab Garg, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking quashing of order dated 26.09.2019 (Annexure P-2) passed by learned Judicial Magistrate 1st Class, Gurugram, whereby the petitioner had been declared as proclaimed person in case No.NACT/13045/2017 dated 19.09.2017 and for quashing of FIR No.2247 dated 12.11.2019 under Section 174-A of the IPC registered at Police Station Shivaji Nagar and consequential proceedings arising therefrom.

2. Learned counsel for the petitioner, at the outset, has drawn the attention of this Court to order dated 05.04.2021 (Annexure P-4), wherein it stands reflected that in view of a statement made by counsel for the complainant, the complaint under Section 138 of the Negotiable Instruments Act, 1881 (for short, 'the NI Act') was dismissed as withdrawn on the basis of a compromise. 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.

In support of his submissions, learned counsel has placed reliance upon

the judgment of this Court in *Sher Singh vs. State of Haryana (CRM-M-11846-2023)* decided on 09.03.2023 wherein in identical facts and circumstances, the FIR registered under Section 174-A of the IPC against the petitioner was quashed.

3. Notice of motion.

4. On asking of the Court, Mr. Amit Rana, Senior Deputy Advocate General, 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. I have 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. Admittedly, the said complaint was withdrawn after the parties arrived at a compromise. Hence, continuation of criminal proceedings for offence under Section 174-A of the IPC would serve no useful purpose.

8. Accordingly, the present petition is allowed subject to payment of costs in the sum of ₹10,000/- to be deposited with Punjab and Haryana High Court Bar Clerks Association, Chandigarh, Regd. No.2441/1995, Account No.65004775776, IFSC SBIN0050306, High Court Branch within ten days. Registry of this Court shall submit a compliance report thereafter.

9. Order dated 26.09.2019 (Annexure P-2) passed by learned Judicial Magistrate 1st Class, Gurugram, FIR registered under Section 174-A of the IPC and all consequential proceedings arising therefrom are quashed.

February 26th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No