

CRM-M-6562-2024

2024:PHHC::018443

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129 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-6562-2024

Decided on:-08.02.2024

Subhash Chander

...Petitioner.

Vs.

State of Punjab

...Respondent..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Yogesh Kumar Aneja, Advocate,
for the petitioner.

HARKESH MANUJA, J. (Oral)

1. By way of present petition filed under Section 482 Cr.P.C., prayer has been made for quashing the order dated 18.07.2016 (Annexure P-3) passed by the Court of Judicial Magistrate Ist Class, Fazilka, declaring the petitioner as proclaimed person as well as FIR No.32, dated 08.04.2017, under Section 174-A IPC, registered at Police Station City Fazilka, District Fazilka (Annexure P-4) along with all subsequent proceedings arising therefrom.

2. Briefly stating, in the present case, the petitioner was arrayed as an accused in a complaint under Section 138 read with Section 142 of the Negotiable Instruments Act, 1881 (for short, "1881 Act") wherein, he was summoned by the trial Court. Since, the petitioner was never served on the correct address, he could not appear before the court, resulting into his declaration as proclaimed person vide order dated 18.07.2016, followed by registration of the aforementioned FIR against him under Section 174-A

Later, a settlement came to be arrived at between the parties as the petitioner discharged his liability by paying the entire outstanding amount in favour of complainant and in pursuance thereof, the complaint under Section 138 of the 1881 Act, was withdrawn by complainant and complaint file was ordered to be consigned to the record room, vide order dated 31.07.2017 (Annexure P-7) passed by the court of learned Judicial Magistrate Ist Class, Fazilka. Moreover, the petitioner has already been granted the concession of anticipatory bail in the present FIR vide order dated 25.05.2017 passed by the Court of Additional Sessions Judge, Fazilka (Annexure P-5).

3. Learned counsel for the petitioner submits that once the main proceedings under Section 138 of the 1881 Act have already come to an end, no useful purpose would be served by continuing with the proceedings arising out of the FIR in question. In support, he relies upon judgment of this Court, passed in CRM-M-20832-2021, titled as ***“Sher Singh Rana vs. State of Haryana and others”*** decided on 15.03.2022.

4. Notice of motion.

5. Mr. Shubham Kaushik, AAG, Punjab, who is present in Court accepts notice on behalf of the respondent-State and opposes the prayer made on behalf of the petitioner while submitting that the non-appearance of the petitioner before the court of learned Judicial Magistrate Ist Class, Fazilka in pursuance of summoning order was intentional, with a purpose to delay the proceedings.

6. I have heard learned counsel for the parties and gone through the paper book.

7. Once, the complaint under Section 138 of the 1881 Act, already stands withdrawn by the complainant on having received the entire

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outstanding amount, no useful purpose is going to be served by carrying on with the proceedings arising out of the present FIR. Even otherwise, the case of the petitioner is fully covered with the judgment passed by this Court in *Sher Singh Rana's* case (supra).

8. Accordingly, the petition is allowed. Order dated 18.07.2016, declaring the petitioner as proclaimed person as well as FIR No. 32, dated 08.04.2017, under Section 174-A IPC, registered at Police Station City Fazilka, District Fazilka and all other subsequent proceedings arising therefrom are ordered to be quashed qua the petitioner.

08.02.2024
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(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No