

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

124

2024:PHHC:032962

CRM-M-9541-2024

Date of decision: March 7th, 2024

Bhagwan Dass @ Tony

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Deepak Aggarwal, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

The instant petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.32 dated 12.03.2020 (Annexure P-3) under Section 174-A of the IPC registered at Police Station Phul, District Bathinda.

2. Learned counsel for the petitioner, at the outset, has drawn the attention of this Court to order dated 10.01.2023 (Annexure P-6), wherein it stands reflected that due to non-appearance of the complainant, the complaint under Section 138 of the Negotiable Instruments Act, 1881 (for short, 'the NI Act') was dismissed for want of prosecution and the accused stands acquitted. 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. Amit Rana, Senior Deputy Advocate General, Punjab, accepts notice on behalf of the respondent.

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 offender in a complaint case under Section 138 of the NI Act. Admittedly, the said complaint was dismissed for want of prosecution. 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 and FIR registered under Section 174-A of the IPC and all consequential proceedings arising therefrom are quashed.

March 7th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No