

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-10321 of 2024(O&M)
Date of Decision: 27.02.2024

Jagmati & Anr.

...Petitioners

Versus

State of Haryana & Ors.

...Respondents

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Rahul Verma, Advocate
For the petitioners.

Mr. Neeraj Sheoran, DAG Haryana

KARAMJIT SINGH, J.

1. The present petition has been filed by petitioners seeking quashing of order dated 24.01.2020 (Annexure P-2) whereby the petitioners were declared as proclaimed persons in a criminal complaint titled Corporation Bank Vs. Jagmati & Anr. having COMA-3482-2017 filed under Section 138 of Negotiable Instruments Act (for short, NI Act) and FIR No. 203 dated 02.06.2020 (Annexure P-5) registered under Section 174-A IPC, Police Station Arya Nagar, Rohtak.
2. Brief facts of the case are that Corporation Bank filed criminal complaint under Section 138 of NI Act against the petitioners wherein the petitioners got absented and were declared proclaimed persons vide order dated 24.01.2020 (Annexure P-2) and consequently impugned FIR (Annexure P-5) was registered against the petitioners.
3. The counsel for the petitioners submits that the petitioners never received any summons or warrants issued by the Court concerned and

were wrongly declared as proclaimed persons by the trial Court vide order (Annexure P-2) without following the procedure provided under Section 82 Cr.P.C. It is further submitted that after the passing of order (Annexure P-2), the petitioners made payment of entire due amount to Corporation Bank and thereafter the aforesaid criminal complaint filed under Section 138 NI Act was dismissed as withdrawn by the Corporation Bank on the basis of compromise vide order dated 19.03.2020 (Annexure P-3) and the aforesaid Bank also issued No Dues Certificate to the petitioners which is dated 16.03.2020 and the copy of the said certificate is placed on record by the counsel for the petitioners. The counsel for the petitioners further submits that in the light of the aforesaid compromise, the petitioners were also discharged by the trial Court in the aforesaid complaint case vide order dated 28.05.2020 (Annexure P-4). The counsel for the petitioners further submits that as the main criminal complaint was already withdrawn by Corporation Bank, there was no occasion for registration of impugned FIR (Annexure P-5) and as such the said FIR is not sustainable and deserves to be quashed.

4. Notice of motion.

5. Mr. Neeraj Sheoran, DAG Haryana accepts notice on behalf of State and submits that the present petition be disposed of in the light of order Annexures P-3 and P-4.

6. From the perusal of Annexures P-3 and P-4, it is apparent that in the main criminal complaint filed by Corporation Bank under Section 138 NI Act, the matter was compromised and finally the said complaint was dismissed as withdrawn vide orders dated 28.05.2020 (Annexure P-4)/ 19.03.2020 (Annexure P-3). It being so, the impugned FIR(Annexure P-5)

which is also result of aforesaid criminal complaint is not sustainable and deserves to be quashed.

7. In light of above, the present petition is allowed without expressing any opinion on the merits of the case and impugned order dated 24.01.2020 (Annexure P-2) and the impugned FIR No. 203 dated 02.06.2020 (Annexure P-5) registered under Section 174-A IPC, Police Station Arya Nagar, Rohtak are hereby quashed.

27.02.2024

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(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No