

260 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-11068-2023

Decided on:-11.01.2024

Malkit Kumar @ Malkeet Kumar

...Petitioner.

Vs.

State of Haryana and another

...Respondents..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Rahul Jaswal, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

None for respondent No.2.

HARKESH MANUJA, J. (Oral)

1. By way of present petition filed under Section 482 Cr.P.C., prayer has been made for quashing of order dated 18.01.2023 (Annexure P-1) passed by the Court of Judicial Magistrate Ist Class, Panipat, declaring the petitioner as proclaimed person as well as FIR No.0121, dated 19.01.2023, under Section 174-A IPC, registered at Police Station Panipat City, District Panipat (Annexure P-3) 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 of the Negotiable Instruments Act, 1881 (for short, "1881 Act") wherein, he was summoned by the trial Court. Since, the petitioner was never served, he could not appear before the court, resulting into his declaration as proclaimed person vide order dated 18.01.2023, followed by registration of the aforementioned FIR against him

under Section 174-A IPC.

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amount in favour of complainant and in pursuance thereof, the complaint under Section 138 of the 1881 Act, was withdrawn by complainant and complaint file was ordered to be consigned to the record room, vide order dated 24.01.2023 passed by the court of learned Judicial Magistrate Ist Class, Panipat. Moreover, the petitioner has already been granted the concession of anticipatory bail in the present FIR vide order dated 10.03.2023 passed by the Court of Additional Sessions Judge, Panipat.

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 judgments of this Court, passed in **CRM-M-16449-2018, titled as “*Satish Kumar vs. State of Haryana and another*”** and **CRM-M-30911-2021, titled as “*Ram Kumar Rana vs. State of Haryana and another*”**.

4. Reply by way of affidavit dated 05.01.2024 of Mr. Satish Kumar, (HPS), Deputy Superintendent of Police, City Panipat, on behalf of respondent-State has been filed in Court today and the same is taken on record.

The prayer made herein has been opposed at the instance of learned State counsel while submitting that the non-appearance of the petitioner before the court of learned Judicial Magistrate Ist Class, Panipat in pursuance of summoning order was intentional, with a purpose to delay the proceedings.

5. I have heard learned counsel for the parties and gone through the

CRM-M-11068-2023

paper book.

6. Once, the complaint under Section 138 of the 1881 Act, already stands withdrawn by complainant on having received the entire 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 judgments passed by this Court in *Satish Kumar's* case (supra) and *Ram Kumar Rana's* case (supra).

7. Accordingly, the petition is allowed. Order dated 18.01.2023, declaring the petitioner as proclaimed person as well as FIR No. 0121, dated 19.01.2023, under Section 174-A IPC, registered at Police Station Panipat City, District Panipat and all other subsequent proceedings arising therefrom are ordered to be quashed qua the petitioner.

11.01.2024
sonika

(HARKESH MANUJA)
JUDGE

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