



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

CRM-M-12444-2022 (O&M)
Date of decision: 12.11.2024

Sumitra Devi

...Petitioner

Versus

State of Haryana and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Raj Kumar Rana, Advocate for the petitioner.

Mr. P.K. Aggarwal, DAG, Haryana.
for respondent No.1.

KARAMJIT SINGH, J. (ORAL)

CRM-43719-2024

For the reasons stated in the application, the same is allowed and the date of hearing in the main case is preponed from 10.12.2024 to today and the same is taken on board today itself for hearing.

CRM-M-12444-2022

1. The present petition has been filed by the petitioner under Section 482 Cr.P.C for setting aside of order dated 12.06.2018 (Annexure P-1) vide which she was declared as proclaimed person and also seeks quashing of FIR No.392 dated 17.02.2020, under Section 174-A IPC, Police Station Ambala City (Annexure P-2).
2. The counsel appearing on behalf of the petitioner submits that complainant/respondent No.2 filed one complaint under Section 138 NI Act against the petitioner wherein the petitioner was declared as proclaimed



person vide order Annexure P-1 and resultantly, FIR Annexure P-2 was also registered under Section 174-A IPC against the petitioner. It is further submitted that impugned order Annexure P-1 was not passed by the trial Court in consonance with the provisions of Section 82 Cr.P.C, as no notice or warrants were ever received by the petitioner with regard to pendency of the aforesaid criminal complaint. It is further submitted that otherwise also subsequently, petitioner appeared before the trial Court and was granted bail, as is evident from order dated 13.08.2018 Annexure P-4 passed by the Court of Judicial Magistrate Ist Class, Ambala and thereafter, the complaint filed by complainant under Section 138 NI Act was dismissed in default for want of prosecution vide order dated 22.05.2019 Annexure P-5. That it being so, the continuance of prosecution of the petitioner on the basis of FIR Annexure P-2 would not be in the interest of justice and would rather amount as miscarriage of justice.

3. The State counsel submits that order Annexure P-1 was passed by the trial Court in accordance with law and resultantly, FIR Annexure P-2 was registered.

4. I have considered the submissions made by counsel for the petitioner.

5. Impugned order Annexure P-1 and FIR Annexure P-2 have arisen out of criminal complaint filed by respondent No.2 against the present petitioner under Section 138 NI Act. From the perusal of order Annexure P-4, it appears that after the passing of order Annexure P-1, the petitioner appeared before the trial Court and was granted regular bail.

Thus, making it clear that impugned order Annexure P-1 was diluted and

became irrelevant as and when the petitioner appeared in the trial Court and was granted regular bail. This Court is of the view that as the main criminal complaint filed under Section 138 NI Act was disposed of vide order Annexure P-5 dated 22.05.2019 and till date, the said order has not been set aside, the continuation of the criminal proceedings against the present petitioner on the basis of FIR Annexure P-2 would amount to abuse of the process of Court.

6. In the light of the above, the present petition is allowed and order Annexure P-1 dated 12.06.2018 passed by the Court of Judicial Magistrate Ist Class, Ambala and FIR No.392 dated 17.02.2020, under Section 174-A IPC, Police Station Ambala City (Annexure P-2) and all the subsequent proceedings arising therefrom are hereby quashed qua the petitioner.

12.11.2024
Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-	Yes/No
Whether reportable:-	Yes/No