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THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.12612 of 2024 (O&M)
Date of Decision: 30.07.2024

Simran Tyagi

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Ms. Pooja Jaglan, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (ORAL)

CRM-11174-2024

Instant application has been filed seeking exemption from filing certified/typed/more legible copies of Annexures P-1 to P-5.

For the reasons recorded in the application, the same is allowed and the petitioner is exempted from filing certified/typed/legible copies of Annexures P-1 to P-5.

CRM-M-12612-2024

1. Present petition has been filed under Section 482 Cr.P.C. for quashing the impugned order dated 16.08.2023 whereby the petitioner was declared proclaimed person in complaint NACT No.1444 dated 25.09.2020 under Sections 138/142 of Negotiable Instruments Act, 1881. Further prayer has been made for quashing of FIR No.1160, dated



24.08.2023 under Section 174-A of IPC, registered in Police Station Panipat City, Panipat and for staying the operation of impugned order dated 16.08.2023 and all subsequent proceedings arising thereof.

2. It has been submitted by learned counsel for the petitioner that the petitioner was declared as proclaimed person vide order dated 16.08.2023 passed by the Court of Judicial Magistrate Ist Class, Panipat. She further submits that once the main complaint filed by the complainant under Section 138 of the Negotiable Instruments Act has been dismissed for want of prosecution, prosecution of the petitioner in the impugned FIR registered under Section 174-A IPC would be totally an abuse of the process of the Court.

3. Notice of motion to official respondent No.1 only at this stage.

4. On the asking of the Court, Mr. Sumit Gupta, Addl. A.G., Haryana accepts notice on behalf of the respondent-State.

5. Learned State counsel on the other hand contends that the petitioner was rightly declared as a proclaimed person, pursuant to which FIR No.1160 dated 24.08.2023, under Section 174-A of IPC, at Police Station Panipat City, District Panipat was registered against the petitioner and the petitioner is liable to be prosecuted in the said case, as she had failed to appear in the Court despite orders.

6. I have heard counsel for the parties and perused the record.

7. It is apparent that the present FIR was registered due to non-appearance of the petitioner in a complaint case filed under Section



138/142 of the Negotiable Instruments Act and she was declared as a proclaimed person in the proceedings under the Negotiable Instruments Act. As the main case i.e. complaint filed under Section 138/142 of the Negotiable Instruments Act already stands dismissed for want of prosecution, continuation of the proceedings under Section 174-A of IPC would not serve any purpose as the root cause of controversy i.e. complaint under Section 138 of the Negotiable Instruments Act already stands dismissed.

8. So, keeping in view the above-said facts and the law settled, continuation of the proceedings under Section 174-A of IPC shall be abuse of the process of the Court. Consequently, present petition is disposed of subject to payment of costs of Rs.20,000/- to be deposited within 10 days from today by the petitioner with the 'Poor Patients' Welfare Fund, PGIMER, Chandigarh' and order dated 16.08.2023 passed in Complaint Case bearing No.NACT-1444 dated 25.09.2020 whereby petitioner was declared Proclaimed Person by learned Judicial Magistrate Ist Class, Panipat along with subsequent proceedings arising out of the same including FIR No.1160 dated 24.08.2023, under Section 174-A of IPC, at Police Station Panipat City, District Panipat, are quashed.

9. The petitioner would deposit the costs as stated above and produce copy of receipt before the Registry within a period of 15 days from today while the office is directed to list the present case as IOIN before this Court for further orders. He will have protection from arrest in the present case for a period of 15 days.



10. Needless to say that in case the petitioner fails to pay the cost and comply with the aforesaid direction, the order under challenge dated 16.08.2023 and FIR No.1160 dated 24.08.2023 would come in force.

11. Disposed of.

(RAJESH BHARDWAJ)
JUDGE

30.07.2024
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No