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

CRM-M-18787-2024

Date of decision: 24.04.2024

Sandeep

...Petitioner

Versus

The State of Haryana and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Vikas Singh, Advocate for the petitioner.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by petitioner seeking quashing of order dated 07.05.2022 (Annexure P-1) whereby the petitioner was declared as proclaimed person by the Court of Additional Sessions Judge, Karnal in a criminal appeal having CRA-223/2020 titled Sandeep Vs. Choramandlam Investment and Finance Limited and FIR No. 337 dated 01.06.2022 (Annexure P-2) registered under Section 174-A IPC, Police Station Civil Lines, Karnal.

2. Brief facts of the case are that respondent No.2 Choramandlam Investment and Finance Limited filed criminal complaint under Section 138 of NI Act against the petitioner wherein the petitioner was convicted and sentenced to imprisonment vide judgment and order dated 3/4.03.2020. Petitioner filed criminal appeal No.223/2020 against the said judgment and order wherein he got absented and was declared proclaimed person vide order dated 07.05.2022 (Annexure P-1) and consequently impugned FIR

(Annexure P-2) was registered against the petitioner.

3. The counsel for the petitioner submits that the petitioner was wrongly declared as proclaimed person by the appellate Court vide order (Annexure P-1) without following the procedure provided under Section 82 Cr.P.C and as such the impugned order Annexure P-1 and FIR Annexure P-2 are not sustainable in law. It is further submitted that subsequently, parties effected compromise and petitioner made payment of settled amount and consequently, offence punishable under Section 138 NI Act was compounded and petitioner was acquitted by the Court of Additional Sessions Judge, Karnal vide judgment dated 02.01.2023 Annexure P-13. The counsel for the petitioner further submits that as the main criminal appeal is decided on the basis of compromise, the impugned order Annexure P-1 and FIR Annexure P-2 are not sustainable and deserve 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 judgment Annexure P-13 dated 02.01.2023.

6. From the perusal of Annexures P-12 and P-13, it is apparent that in the main criminal appeal No.223/2020 filed by the petitioner, the matter was compromised and offence under Section 138 NI Act was compounded and the petitioner was acquitted vide judgment dated 02.01.2023 Annexure P-13. Admittedly, impugned order Annexure P-1 and FIR Annexure P-2 are offshoot of aforesaid criminal appeal which was finally disposed of vide judgment Annexure P-13. In the given circumstances, continuation of FIR Annexure P-2 will be just abuse of the

process of Court.

7. In light of above, the present petition is allowed and impugned order dated 07.05.2022 (Annexure P-1) and the impugned FIR No. 337 dated 01.06.2022 (Annexure P-2) registered under Section 174-A IPC, Police Station Civil Lines, Karnal are hereby quashed.

24.04.2024
Yogesh

(KARAMJIT SINGH)
JUDGE

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