

123 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-19421-2024

Date of Decision: 22.04.2024

Prakash Kumar Gupta @ Mintu @ Prashuram KumarPetitioner

Versus

State of HaryanaRespondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Manoj Kaushik, Advocate,
for the petitioner.

HARKESH MANUJA, J. (Oral)

1. By way of present petition filed under Section 482 Cr.P.C., prayer has been made for quashing of FIR No.93, dated 13.02.2023, registered under Section 174-A IPC, at Police Station Palla, District Faridabad.

2. Having been arrayed as accused in criminal complaint No. NACT-5829-2017, dated 20.11.2017, under Section 138 of the Negotiable Instruments Act, 1881 (for short, "NI Act"), Police Station Sarai Khawaja, District Faridabad, petitioner, in pursuance to summoning order was declared as proclaimed person vide order dated 08.02.2023 passed by the learned Judicial Magistrate Ist Class, Faridabad, followed by registration of aforementioned FIR against him, in which, he was granted the concession of anticipatory bail vide order dated 12.12.2023 passed by the Court of Additional Sessions Judge, Faridabad.

3. Aggrieved of the order dated 08.02.2023, declaring the petitioner as proclaimed person, he approached this Court by way of filing

CRM-M-9783-2024, titled as “**Prakash Kumar Gupta @ Mintu @ Prashuram Kumar vs. Chatar Singh**”, which came to be allowed vide order dated 23.02.2024, thereby setting aside the order dated 08.02.2023 passed by the Court of Judicial Magistrate Ist Class, Faridabad.

4. In view of the aforesaid facts and circumstances, learned counsel for the petitioner submits that once the order declaring the petitioner as proclaimed person was held to be illegal and he having followed the process of law by putting in appearance before the trial Court, in complaint case filed under Section 138 of the NI Act against him, no useful purpose would be served by continuation of proceedings arising out of FIR in question against him.

5. Notice of motion.

6. Mr. Chetan Sharma, DAG, Haryana, who is present in Court accepts notice on behalf of the respondent-State and opposes the prayer while submitting that the petitioner deliberately and consciously did not appear in the proceedings, resulting into registration of FIR in question, thus, the proceedings arising therefrom warrant no interference.

7. I have heard learned counsel for the parties and gone through the paper book.

8. Once, order dated 08.02.2023 passed by the Court of Judicial Magistrate Ist Class, Faridabad, whereby, the petitioner was declared as proclaimed person stands quashed vide order dated 23.02.2024 passed by this Court in CRM-M-9783 of 2024, followed by the petitioner even putting appearance in the complaint filed under Section 138 of the NI Act, besides having been granted the concession of pre-arrest bail by the Court of Additional Sessions Judge, Faridabad, vide order dated 12.12.2023, no

useful purpose would be served by continuing with the proceedings arising therefrom as the same would only amount to wastage of precious and valuable time of the Court concerned. Moreover, the petitioner for his conduct before the Trial Court on 22.12.2022, wherein, though he moved an application for surrender, however, later fled away, volunteers to serve public cause by providing 01 BPL-CTG Machine (Cardio Tacography) Fetal Monitor Wall Mountable FM-9854 to the office of Civil Surgeon, Faridabad within a period of 07 days from today against due receipt to be forwarded to the Nodal Officer of the Department of Health and Family Welfare, Govt. of Haryana, who shall prepare an inventory in this regard for its regular inspection by the Director concerned. A copy of the receipt be forwarded to the office of Advocate General Haryana.

8. In view of the above, the present petition is allowed and FIR No.93, dated 13.02.2023, registered under Section 174-A IPC, at Police Station Palla, District Faridabad, is quashed qua the petitioner.

22.04.2024
sonika

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned: yes/no
Whether reportable? yes/no