

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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2024:PHHC:056217
CRM-M-20376-2024
Date of decision: April 25th, 2024

Munesh
.....Petitioner

Versus

State of Haryana and another
.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Amit Jain, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

The instant petition has been filed under Section 482 Cr.P.C. for quashing of order dated 12.03.2019 passed by learned JMIC, Gurugram, whereby petitioner has been declared as proclaimed person in NACT 16787 of 2017 dated 17.10.2017 along with FIR No.812 dated 08.05.2019 under Section 174-A of the IPC registered at Police Station Shivaji Nagar, Gurugram, along with all subsequent proceedings arising therefrom.

2. Learned counsel for the petitioner, at the outset, has drawn the attention of this Court to order dated 25.02.2020 (Annexure P-5), wherein it stands reflected that in view of a statement made by the complainant, the complaint under Section 138 of the Negotiable Instruments Act, 1881 (for short, 'the NI Act') was dismissed as withdrawn on the basis of a compromise. A prayer, therefore, has been made that in the aforementioned facts and circumstances, no purpose would be served by prosecuting the petitioner under Section 174-A IPC.

In support of his submissions, learned counsel has placed reliance upon

the judgment of this Court in *Sher Singh vs. State of Haryana (CRM-M-11846-2023)* decided on 09.03.2023 wherein in identical facts and circumstances, the FIR registered under Section 174-A of the IPC against the petitioner was quashed.

3. Notice of motion.
4. On asking of the Court, Ms. Trishanjali Sharma, Deputy Advocate General, Haryana, accepts notice on behalf of respondent No.1-State.
5. Learned State counsel has opposed the prayer made by the counsel opposite and contended that it was evident that the petitioner had intentionally not appeared during the proceedings before the Court below and hence, the prayer of the petitioner deserved to be declined.
6. I have heard learned counsel for the parties and perused the relevant material on record.
7. The petitioner was declared a proclaimed person in a complaint case under Section 138 of the NI Act. Admittedly, the said complaint was withdrawn after the parties arrived at a compromise. Hence, continuation of criminal proceedings for offence under Section 174-A of the IPC would serve no useful purpose.
8. Accordingly, the present petition is allowed and FIR registered under Section 174-A of the IPC and all consequential proceedings arising therefrom are quashed.

April 25th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No