

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

**CRM-M No. 20511 of 2024 (O&M)
Date of Decision: 25.04.2024**

Satyendra Singh Tomar and another

..... Petitioners

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Ketan Chopra, Advocate
for the petitioners.

HARKESH MANUJA, J.

The petitioners, by way of present petition filed under Section 482 Cr.P.C., seek quashing of order dated 05.09.2022 (Annexure P-2) passed by learned Judicial Magistrate 1st Class, Hisar in complaint case No. NACT/1058/2018, titled “*Lt. Col. Aditya Kumar Versus M/s. Proplarity Infratech Pvt. Ltd.*”, whereby the petitioners were declared as proclaimed persons; further quashing of FIR No. 1340 dated 06.11.2022 (Annexure P-3) under Section 174-A of the IPC registered at Police Station Hisar Sadar, District Hisar and all consequential proceedings arising therefrom, in view of the complaint in question having been dismissed as withdrawn vide order dated 08.11.2023 (Annexure P-5) passed by the leaned Judicial Magistrate Ist Class, Hisar.

[2] At the outset, learned counsel for the petitioners has drawn the attention of this Court to order dated 08.11.2023 wherein the complaint in question under Section 138 of the Negotiable Instruments Act, 1881 (for

short, 'the NI Act') stands withdrawn by the complainant based on an amicable settlement arrived at between the parties. A prayer, therefore, has been made that in the aforementioned facts and circumstances, no purpose would be served by prosecuting the petitioners under Section 174-A of the IPC, moreso, when they are not involved in any other criminal case much less under Section 138 of the NI Act nor had they been declared as proclaimed persons prior thereto in any other case.

In support, learned counsel for the petitioner rely upon a judgment rendered by Court in case titled “*Smriti Versus State of Haryana and another*”, 2022 (4) *Law Herald* 2859.

Learned counsel for the petitioners also submits that non-appearance of the petitioners before the Court below was unintentional as their addresses given by the complainant in the memo of parties were incorrect; thus, service was not effected upon them.

[3] Notice of motion.

[4] Mr. Chetan Sharma, Deputy Advocate General, Haryana, accepts notice and opposes the prayer made by learned counsel for the petitioners, while contending that it was evident that the petitioners had intentionally not appeared during the proceedings before the Court below and hence, the prayer of the petitioners deserves to be declined.

[5] I have heard learned counsel for the parties and perused the record. I find substance in submissions made on behalf of learned counsel for the petitioners.

[6] The petitioners were declared as proclaimed persons vide impugned order dated 05.09.2022 (P-2) in a complaint case under Section

138 of the NI Act. Admittedly, the said complaint was withdrawn after the parties arrived at a compromise. Furthermore, the petitioners were neither involved in any other criminal case nor were they declared as proclaimed offenders / persons any time prior thereto. Hence, the continuation of criminal proceedings under Section 174-A IPC would serve no useful purpose.

[7] Accordingly, the present petition is **allowed** and the impugned order dated 05.09.2022 (P-2) declaring the petitioners as proclaimed persons as well as FIR (supra) registered under Section 174-A IPC and all consequential proceedings arising therefrom are set aside, subject to providing one Wheelchair to the Civil Hospital, Hisar, as volunteered by the petitioners, within a period of one week from the date of receipt of certified copy of this order against due receipt issued by the concerned Civil Surgeon. A copy of the receipt shall also be placed before the trial Court concerned.

[8] Pending miscellaneous application(s), if any, shall also stand disposed off.

April 25, 2024
'dk kamra'

(HARKESH MANUJA)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>