

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 21655 of 2024
Reserved on 09.08.2024
Pronounced on : 30.08.2024

Surender KumarPetitioner

Vs.

Punjab National Bank and AnotherRespondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Munish Kamboj (Through VC)
for the petitioner.

Mr. Gaurav Goel, Advocate and
Mr. Tarlok, Advocate
for respondent-Bank.

Mr. Viney Phogat, DAG, Haryana.

ANOOP CHITKARA J.

Complaint Case	No. NACT-630-2015 titled as Punjab National Bank Vs. Surender, under Section 138 of the Negotiable Instruments Act.
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FIR No.	Dated	Police Station	Sections
733	26.08.2022	Civil Line Sirsa, District Sirsa	174-A IPC

Seeking quashing of FIR mentioned above as well as proclamation order dated 20-07-2022, passed by the Ld. JMIC Sirsa, the accused has come up before this court under Section 482 CrPC.

2. After dishonor of the cheque handed over by the petitioner to the respondent, the respondent filed a complaint against the petitioner under section 138 of the Negotiable Instruments Act, 1881.

3. The accused could not be served through the ordinary process, including summons, bailable warrants, and non-bailable warrants. The concerned court finally proceeded against the petitioner under section 82 of CrPC and declared the petitioner a

proclaimed offender vide order, as mentioned earlier.

4. After the proclamation was issued, the parties settled the matter. The copy of the One Time Settlement is annexed here as Annexure P-3. The counsel for Punjab National Bank does not dispute the fact of settlement and has no objection to this petitioner being allowed.

5. In paragraph 6 and 7 of the petition, the petitioner offers explanation, which read as follows:

"6. That after lodging of FIR, on 05.04.2024 the petitioner entered into a compromise and returned the disputed amount to respondent bank and respondent bank has given a confirmation letter dated 05.04.2024 and affirmed the receipt of disputed amount under OTS scheme. The copy of confirmation letter dated 05.04.2024 is attached herewith as ANNEXURE P-3.

7. That since the petitioner has entered into compromise and has returned the disputed cheque amount then no useful purpose will be served to proceed with the FIR and to keep the present petitioner as proclaimed person. There is hardly any likelihood of the petitioner been convicted and by not quashing the said proceedings justice shall be casualty and ends of justice shall be defeated."

6. The primary matter has been settled; consequently, there is no justification for continuing the ancillary proceedings under section 174-A IPC. Consequently, in the facts and circumstances peculiar to this case, the petition is allowed, the above captioned impugned order dated 20-07-2022, passed by Ld. JMIC Sirsa, and the FIR mentioned above, Annexure P-2, are quashed. All pending warrants stand canceled, and further proceedings quashed.

Petition allowed. All pending applications, if any, stand closed.

(ANOOP CHITKARA)
JUDGE

30.08.2024

Sonia Puri

Whether speaking/reasoned: Yes

Whether reportable: No.