

2024:PHHC:066496



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-23981 of 2024(O&M)
Date of Decision: 13.05.2024

Harishchandra Yadav @ Harishchandra Matadeen Yadav

...Petitioner

Versus

State of Haryana & Anr.

...Respondents

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. B.S. Mamli, Advocate
For the petitioner.

Mr. Neeraj Sheoran, DAG Haryana.

KARAMJIT SINGH, J.

1. The present petition has been filed by petitioner seeking quashing of order dated 07.10.2022 (Annexure P-1) passed by the Court of Judicial Magistrate, Ist Class, Gurugram in a criminal complaint NACT/9211/2019 titled as M/s IIFL Home Finance Limited Vs. Harish Chandra Yadav, under Section 138 of Negotiable Instruments Act whereby the petitioner was declared as proclaimed person in the aforesaid criminal complaint and FIR No. 2052 dated 04.12.2022 (Annexure P-2) lodged under Section 174-A IPC at Police Station Shivaji Nagar, District Gurugram.
2. The counsel for the petitioner submits that after the passing of the impugned order (Annexure P-1), the petitioner effected compromise with complainant/respondent No.2 and on the basis of the said compromise, the aforesaid criminal complaint was withdrawn by complainant against the petitioner vide order dated 06.12.2022(Annexure P-3). The counsel for the petitioner further submits that in view of the order (Annexure P-3), the

2024:PHHC:066496



impugned order (Annexure P-1) and FIR (Annexure P-2) are not sustainable and deserve to be set aside.

3. Notice of motion.

4. Neeraj Sheoran, DAG Haryana accepts notice on behalf of the State and submits that the instant petition be disposed of in the light of compromise effected between petitioner and respondent No.2.

5. Admittedly, impugned order dated 07.10.2022 (Annexure P-1) whereby the petitioner has been declared as proclaimed person and registration of FIR (Annexure P-2) under Section 174-A IPC are off shoot of the aforesaid criminal complaint filed by respondent No.2 against the petitioner under Section 138 NI Act. It appears that now matter has been compromised and respondent No.2 has withdrawn aforesaid criminal complaint against the petitioner vide order dated 06.12.2022 (Annexure P-3). It being so, the impugned order dated 07.10.2022 (Annexure P-1) and FIR (Annexure P-2) registered under Section 174-A IPC are not sustainable in the eye of law and even otherwise continuation of Annexure P-1 and P-2 will amount to abuse of the process of Court and that of law.

6. In light of the above, the present petition is hereby allowed and impugned order dated 07.10.2022 (Annexure P-1) and impugned FIR No. 2052 dated 04.12.2022 (Annexure P-2) lodged under Section 174-A IPC at Police Station Shivaji Nagar, District Gurugram are hereby quashed qua the petitioner.

13.05.2024

Jiten

(KARAMJIT SINGH)
JUDGE

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