

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

283

CRM-M-27854-2024 (O&M)
Date of order: 22.05.2024

Vivek Bhatt
... Petitioner(s)
Versus
State of Haryana
...Respondent (s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Mr. Vinay Kumar Pandey, Advocate
for the petitioner(s).

Mr. Rajat Gautam, Addl.A.G., Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
1164	29.12.2021	Shivaji Nagar, District Gurugram	174A IPC

Seeking quashing of aforesaid FIR, the petitioner-accused has come up before this court under Section 482 CrPC.

2. After failure of the petitioner to pay back the loan, the complainant Finance Company had filed a complaint against him 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 even non-bailable warrants. The concerned court finally proceeded against the petitioner under section 82 of CrPC and declared the petitioner a proclaimed offender vide aforesaid order.
4. After issuance of proclamation, the matter got settled between the parties and the respondent-complainant withdrew its complaint vide order dated 13.5.2023 (Annexure P-3).

5. In paragraph 3 of the petition, the petitioner explains that it was due to shifting his accommodation that the summons of the complaint were never served upon him and thus, he could not appear because he was never served.

6. In the case's factual background, I am satisfied with the explanation offered. The primary matter stands dismissed as withdrawn; there is no justification for continuing the ancillary proceedings under section 174-A IPC.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 Annexure P-1, dated 2.11.2021 and the FIR mentioned above, are quashed. All pending warrants stand canceled, and further proceedings are quashed.

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

(ANOOP CHITKARA)
JUDGE

May 22, 2024
AK

Whether speaking/reasoned	:	Yes
Whether reportable	:	No