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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-28586-2024****Date of decision : 04.11.2024****Arun Jindal****.....Petitioner****versus****State of Punjab****.....Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Jatin Bansal, Advocate and
Ms. Keerti Sandhu, Advocate
for the petitioner.

Mr. Karunesh Kaushal, A.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for setting aside of order dated 20.05.2023 passed by the learned Judicial Magistrate Ist Class, Malerkotla in NACT/432/2020 dated 14.08.2020 vide which the present petitioner has been wrongly declared as a Proclaimed Person.

2. It has been submitted by learned counsel for the petitioner that the petitioner has been falsely prosecuted in the impugned complaint under Section 138 of the Negotiable Instruments Act. He submits that without complying with the provisions of Section 82 Cr.P.C., petitioner was declared as a proclaimed person vide impugned order dated 20.05.2023 (Annexure P-1). He has placed on record the copy of order dated 09.10.2024, whereby the impugned complaint was dismissed as withdrawn on the basis of the compromise arrived at between the parties. He submits that once the complaint filed has been dismissed as withdrawn in view of the compromise arrived at between the parties, the prosecution of the petitioner is nothing but an abuse of process of the Court and thus, the impugned order does not survives.



3. Learned State counsel on the other hand has opposed the contentions raised by learned counsel for the petitioner and has submitted that the petitioner was rightly declared as a proclaimed person as he had failed to appear in the Court despite orders.
4. I have heard counsel for the parties and perused the record.
5. It is apparent that the due to non-appearance of the petitioner in a complaint case filed under Section 138 of the Negotiable Instruments Act, he was declared as a proclaimed person in the proceedings under the Negotiable Instruments Act. As the main case i.e. complaint filed under Section 138 of the Negotiable Instruments Act already stands dismissed as withdrawn in view of the settlement arrived at between the parties, the prosecution of the petitioner would not serve any purpose as the root cause of controversy i.e. complaint under Section 138 of the Negotiable Instruments Act already stands dismissed as withdrawn.
6. So, keeping in view the above-said facts and the law settled, prosecution of the petitioner shall be abuse of the process of the Court. Consequently, present petition is allowed and impugned order dated 20.05.2023 passed in Complaint Case bearing No.NACT-432/2020 whereby petitioner was declared Proclaimed Person by learned Judicial Magistrate Ist Class, Malerkotla, is hereby quashed.
7. The present petition stands allowed in above terms.

(RAJESH BHARDWAJ)
JUDGE

04.11.2024
ps-I

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