

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No. 32268 of 2022 (O&M)
Date of Decision: 09.01.2024

Sanjeev Kumar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. A.S. Barnala, Advocate and
Ms. Neelam Chaudhary, Advocate
for the petitioner.

Mr. Rajiv Sidhu, Deputy Advocate General, Haryana

HARKESH MANUJA, J. (ORAL)

CRM-9238-2023

Prayer in the present application moved on behalf of the applicant-petitioner is for placing on record the copy of status of the case before the learned CJM, Karnal as Annexure P-4 and exemption from filing the certified / true typed copy thereof.

Application is **allowed**, as prayed for, subject to all just exceptions.

Registry to do the needful.

CRM-43677-2023

Prayer in the present application moved on behalf of the applicant-petitioner is for placing on record the amended petition.

Upon notice, learned State Counsel has no objection against the prayer made in the present application.

In view of the above, present application is **allowed** and the amended petition is taken on record.

Registry to do the needful.

MAIN CASE

The petitioner, by way of present petition filed under Section 482 Cr.P.C., seeks quashing of order dated 11.09.2018 (Annexure P-1) passed by learned Judicial Magistrate 1st Class, Karnal in complaint case No. NI Act 21575/17-HRKR030215972017, titled "*Indusind Bank Ltd. Versus Sanjiv Kumar*", whereby the petitioner was declared a proclaimed person; further quashing of FIR No. 380 dated 24.07.2021 (Annexure P-2) under Section 174-A of the IPC registered at Police Station Karnal Civil Lines, District Karnal and all consequential proceedings arising therefrom, in view of the complaint in question having been dismissed as withdrawn vide order dated 12.08.2022.

[2] At the outset, learned counsel for the petitioner has drawn the attention of this Court to order dated 12.08.2022 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the complaint in question under Section 138 of the Negotiable Instruments Act, 1881 (for short, 'the NI Act') stands withdrawn by the complainant based on an amicable settlement arrived at between the parties and the petitioner having made payment of the said cheque amount to the complainant. A prayer, therefore, has been made that in the aforementioned facts and circumstances, no purpose would be served by prosecuting the petitioner under Section 174-A of the IPC, moreso, when he was not involved in any other criminal case

much less under Section 138 of the NI Act nor had he been declared a proclaimed offender prior thereto in any other case.

In support, learned counsel for the petitioner relies upon a judgment dated 09.03.2023 passed by Coordinate Bench of this Court in *CRM-M-11846-2023*, titled “*Sher Singh Versus State of Haryana*”.

Learned counsel for the petitioner also submits that non-appearance of the petitioner before the Court below was unintentional as the petitioner had changed his address, therefore, could not be served at the given address.

[3] Learned State Counsel, while opposing the prayer made by the learned counsel for petitioner, contends that it was evident that the petitioner had intentionally not appeared during the proceedings before the Court below and hence, the prayer of the petitioner deserves to be declined.

[4] 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 petitioner.

[5] The petitioner was declared a proclaimed person vide impugned order dated 11.09.2018 (P-1) 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 petitioner was neither involved in any other criminal case nor was he declared a proclaimed offender / person any time prior thereto. Hence, the continuation of criminal proceedings under Section 174-A IPC would serve no useful purpose.

[6] Accordingly, the present petition is **allowed** and the impugned order dated 11.09.2018 declaring the petitioner as proclaimed person as well

as FIR registered under Section 174-A IPC and all consequential proceedings arising therefrom are set aside, subject to payment of costs of Rs.10,000/- by the petitioner to be deposited with the complainant-Bank within a period of four weeks from the date of receipt of certified copy of this order, which shall be a condition precedent.

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

January 09, 2024
'dk kamra'

(HARKESH MANUJA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No