



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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CRM-M-39775-2024

Date of decision: 21.08.2024

Rajesh Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Amit Kohar, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of FIR No.186 dated 15.04.2021 under Section 174-A of the IPC registered at Police Station Hisar City, District Hisar (Annexure P-3) and order dated 05.04.2021 (Annexure P-2) passed by learned Judicial Magistrate 1st Class, Hisar whereby the petitioner has been declared a proclaimed person in CRM/49/2021 filed under Section 138 of the Negotiable Instruments Act, 1881 (for short, 'the NI Act') titled as 'R.K. Berwal Vs. Rajesh Kumar', in view of the fact that the offences stand compounded by this Court in CRR-1454-2019 vide order dated 04.04.2024 (Annexure P-4) as the matter stands compromised between the parties.

2. Learned counsel for the petitioner, at the outset, has drawn the attention of this Court to order dated 04.04.2024 (Annexure P-4) passed by this Court, wherein it stands reflected that in view of a compromise arrived at between the parties, the offence under Section



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138 of the NI Act was compounded and the impugned judgment of conviction and order of sentence were set aside. 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 IPC. In support of his submissions, learned counsel has placed reliance upon Sher Singh Vs. State of Haryana (CRM-M-11846-2023) decided on 09.03.2023 wherein in identical facts and circumstances, the FIR registered under Section 174-A of the IPC against the petitioner was quashed.

3. Notice of motion.

4. On asking of the Court, Ms. Trishanjali Sharma, DAG, Haryana accepts notice on behalf of the respondent-State.

5. Learned State counsel has opposed the prayer made by the counsel opposite and contended 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 deserved to be declined.

6. Heard learned counsel for the parties and perused the relevant material on record.

7. The petitioner was declared a proclaimed person in a complaint case under Section 138 of the NI Act. Admittedly, in view of a compromise arrived at between the parties, the offence under Section 138 of the NI Act, was compounded and the impugned judgment and order of sentence were set aside. Hence, continuation of criminal proceedings under Section 174-A IPC would serve no useful purpose.

8. Accordingly, the present petition is allowed and the order



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dated 05.04.2021 declaring the petitioner as proclaimed person as well as FIR registered under Section 174-A IPC and consequential proceedings arising therefrom are set aside.

21.08.2024 (MANJARI NEHRU KAUL)
Vinay JUDGE

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