

2024:PHHC:075947



S. No.125+275

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

**CRM No.20948 of 2024 in/and
CRM-M-45672 of 2023**

Date of Decision:28.05.2024

Gurpreet Singh

.....Petitioner

Vs.

Veena Kakkar and another

.....Respondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Vipin Kumar Sharma, Advocate
for the petitioner.
Mr. Mandeep Singh Sachdev, Advocate
for respondent No.1.
Mr. Vinay Kumar Malhotra, DAG, Punjab.

DEEPAK GUPTA, J. (Oral)

CRM No.20948 of 2024

This is an application moved by the applicant- petitioner under Section 482 Cr.P.C to place on record copy of the passport, copies of orders dated 12.01.2024 and dated 15.01.2024, passed by the trial Court concerned as Annexures P.5 to P.7.

Application is allowed. Annexures P.5 to P.7 are taken on record.

CRM-M-45672 of 2023

By way of present petition filed under Section 482 Cr.P.C., petitioner prays for quashing the order dated 27.01.2016 (Annexure P.3) passed by learned Judicial Magistrate Ist Class, during the proceedings of Criminal Complaint bearing No.NACT/598 dated 10.03.2015 titled as “Veena Kakkar Vs. Gurpreet Singh”, whereby petitioner was declared Proclaimed Person. Petitioner also prays for quashing the consequent FIR No.0055 dated 09.03.2016 (Annexure P.4) under

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Section 174-A IPC, registered at Police Station Navi Baradari, District Jalandhar City.

2. Learned counsel has drawn attention towards his passport (Annexure P.5) revealing that he had left India on 11.02.2015 and arrived in Australia on 12.02.2015. It is only thereafter that complaint Annexure P.1 was filed by the respondent- complainant on 10.03.2015, seeking prosecution of the petitioner under Section 138 of the NI Act, in which petitioner was summoned.

3. Learned counsel contends that the petitioner was never served since he was in Australia and that proclamation under Section 82 Cr.P.C was issued in his absence and he was declared Proclaimed Person by way of the impugned order and consequently, FIR under Section 174-A IPC was registered.

4. Learned counsel also contends that pursuant to the order dated 11.10.2023, petitioner has already surrendered before the trial Court concerned and was allowed bail on 12.01.2024. Copy of the order of the trial Court is Annexure P.6. Even in the case registered against the petitioner under Section 174-A IPC, petitioner was allowed bail by the trial Court on 15.01.2024 as per order Annexure P.7.

5. Learned counsel also contends that the matter has since been compromised under Section 138 of the NI Act and the complaint in question has since been withdrawn by the complainant - Veena Kakkar. Copy of the order dated 03.05.2024 of learned Judicial Magistrate Ist Class, has been placed on record in this regard.



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6.

Learned State Counsel could not refute the afore-said contentions, particularly the fact that when the complaint under Section 138 of the NI Act was filed, petitioner was in Australia and even when the petitioner was declared Proclaimed Person, he was in Australia. The proclamation had been effected on the address of the petitioner in India.
7.

Having noticed all the afore-said facts and circumstances, order dated 27.01.2016 (Annexure P.3) and the consequent FIR No.0055 dated 09.03.2016 (Annexure P.4) filed under Section 174-A IPC, are hereby quashed along with all consequential proceedings.
8.

Dispsod of.

May 28, 2024
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(DEEPAK GUPTA)
JUDGE

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