

297 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-41678-2023
Decided on : 13.02.2024

Jasbir Singh

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Ms. Shruti Rathore, Advocate for
Mr. Sumeet Jain, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

Ms. Nandita Aggarwal, Advocate
for respondent No.2.

Manjari Nehru Kaul, J.(Oral)

The instant petition has been filed under Section 482 Cr.P.C. for quashing of case FIR No.390 dated 05.07.2019 (Annexure P-1) under Section 174-A IPC registered at Police Station City Sohana District Gurugram and order dated 01.07.2019 (Annexure P-3) passed by JMIC, Sohana vide which petitioner has been declared as proclaimed person.

2. Learned counsel for the petitioner, at the outset, has drawn the attention of this Court to order dated 12.07.2023 (Annexure P-6) wherein it stands reflected that the complaint under Section 138 of the Negotiable Instruments Act, 1881 (for short, 'the NI Act') stands withdrawn by the complainant.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 IPC, more so, 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 of his submissions, learned counsel has placed reliance upon the judgment of this Court in ***Sher Singh vs. State of Haryana (CRM-M-11846-2023) decided on 09.03.2023.***

3. 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.

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

5. In the light of submissions made by learned counsel representing the petitioner together with the fact that complaint under Section 138 of the Act already stands withdrawn, this Court deems it appropriate to quash the criminal proceedings in the instant case. Accordingly, the petition is allowed, and the FIR (Annexure P-1) and all consequential proceedings arising out of it, are quashed.

13.02.2024
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No