



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

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CRM-M-41447-2024

Date of decision: 28.08.2024

RAVI SHANKAR AND ANR.

....Petitioners

V/s

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Santosh Kumar Tripathi, Advocate, for the petitioners.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.0211 dated 05.04.2023 under Section 174-A of the IPC registered at Police Station Faridabad Kotwali, District Faridabad (Annexure P-1) arising out of Criminal Complaint case i.e. NACT 7535 dated 26.06.2018 titled as M/s. S.B. Industrial Enterprises Vs. Go Green Renewable Energies Pvt. Ltd. & Ors.' under Section 138 of the Negotiable Instruments Act, 1881 (for short, 'the NI Act') wherein the petitioners were declared proclaimed persons vide order dated 23.01.2023 passed by the Trial Court, in view of the complaint in question having been dismissed as withdrawn vide order dated 15.06.2024 (Annexure P-3).

2. Learned counsel for the petitioners has primarily prayed for setting aside of the impugned order on the ground that they were never served either with the summons or warrants issued by the Trial Court in the complaint instituted under Section 138 of the NI Act. Learned counsel,



therefore, submits that absence of the petitioners was thus, not intentional as they were unaware about the pendency of the complaint instituted against them under Section 138 of the NI Act and still further, even the proclamation was never served upon them as per the provisions of Section 82 Cr.P.C. Learned counsel has vehemently contended that as soon as the petitioners learnt about the pendency of the complaint in question, they immediately made the payment of the cheque amount to the complainant and compromised the matter with him. Resultantly, the complaint instituted under Section 138 of the NI Act by the complainant, was withdrawn by him on 15.06.2024. In support, he has drawn the attention of this Court to Annexure P-3 wherein it stands reflected that the matter stood amicably settled between the parties and the complaint stood withdrawn. A prayer therefore, has been made that in the aforementioned facts and circumstances, no purpose would be served by prosecuting the petitioners under Section 174-A IPC, more so, when they were not involved in any other criminal case much less under Section 138 of the NI Act nor had they been declared proclaimed persons prior thereto in any other case.

3. Notice of motion.

4. On asking of the Court, Ms. Trishanjali Sharma, DAG, Haryana accepts notice on behalf of respondent No.1-State.

5. Learned State counsel has opposed the prayer made by the counsel opposite and contended that it was evident that the petitioners had intentionally not appeared during the proceedings before the Court below and hence, the prayer of the petitioners deserved to be declined.



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

7. The petitioners were declared proclaimed persons vide impugned order 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 petitioners are neither involved in any other criminal case nor were they declared proclaimed persons any time prior thereto. Hence, the continuation of criminal proceedings under Section 174-A IPC would serve no useful purpose.

8. Accordingly, the present petition is allowed and the order dated 26.06.2018 declaring the petitioners as proclaimed persons as well as FIR No.0211 dated 05.04.2023 under Section 174-A of the IPC registered at Police Station Faridabad Kotwali, District Faridabad (Annexure P-1) and all consequential proceedings arising therefrom are quashed.

(MANJARI NEHRU KAUL)
JUDGE

August 28, 2024
poonam

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