IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRM-M-40608-2024
Date of decision: 22.08.2024

Shehnaj .....Petitioner

Versus

State of Punjab and another .....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Nirmaljeet Singh Sidhu, Advocate for the petitioner.

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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.23 dated 17.03.2022 under Section 174A of the IPC registered at Police Station Phool, District Bathinda, along with all consequential proceedings arising therefrom.

2. Learned counsel for the petitioner submits that a Complaint Case bearing No.COMA/463/2019 titled as 'Sukhveer Singh Vs. Shehnaj' was instituted against the petitioner under Section 138 read with Section 142 of the Negotiable Instruments Act, 1881 (for short, 'the NI Act') in which she was declared a proclaimed person vide order dated 07.02.2022 by the Trial Court, pursuant to which FIR in question under Section 174-A of the IPC was registered against her. However, the said complaint was dismissed in default vide order dated 16.07.2022 by the learned Trial Court for non-prosecution of respondent No.2-complainant (Annexure P-3). A prayer therefore, has

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been made that in the aforementioned facts and circumstances, no purpose would be served by prosecuting the petitioner under Section 174-A IPC.

3. Notice of motion.

4. On asking of the Court, Mr. Navdeep Singh, DAG, Punjab, 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 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 vide order dated 07.02.2022 in a complaint case under Section 138 of the NI Act. Admittedly, the said complaint was dismissed for non-prosecution vide order dated 16.07.2022 (Annexure P-3). 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 FIR in question registered under Section 174-A IPC and consequential proceedings arising therefrom are quashed.

22.08.2024 (**MANJARI NEHRU KAUL**)
Vinay **JUDGE**

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

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