



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

CRM-M-45479-2024

Date of decision: 12.09.2024

Kewal Krishan Monga

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Vivek Suri, Advocate and
Mr. Vrishank Suri, Advocate for the petitioner.

Mr. P.K. Aggarwal, DAG, Haryana.

KARAMJIT SINGH, J. (ORAL)

1. The instant petition has been filed under Section 482 of the Cr.P.C. by the petitioner for quashing of order dated 21.09.2023 (Annexure P-5) passed by the Court of Judicial Magistrate Ist Class, Dabwali and FIR No. 735 dated 18.12.2023 (Annexure p-1), registered under Section 174-A IPC in Police Station City Mandi, Dabwali, District Sirsa and subsequent proceedings arising therefrom.

2. Counsel for the petitioner *inter alia* contends that complainant Sushila Devi filed a criminal complaint under Section 138 of Negotiable Instruments Act against the petitioner in which the petitioner was declared as proclaimed person vide order Annexure P-5. Thereafter, FIR in question under Section 174-A of IPC was registered against him. It was contended that the petitioner was not aware about the pendency of any such complaint under Section 138 of NI Act as well as the proclamation warrants issued against him by JMIC Dabwali, However, subsequently, when he became aware of the aforesaid complaint case and other proceedings, he approached the complainant and entered into a settlement with her by paying the entire due amount. On the basis of the said compromise, the aforesaid criminal



complaint under Section 138 of NI Act filed by the complainant was dismissed as withdrawn vide order dated 19.03.2024 (Annexure P-7).

3. On being put to notice, respondent-State submits that petitioner was declared as proclaimed person by the Court concerned after following the proper procedure and no ground is made out to quash order dated 21.09.2023 Annexure P-5 and FIR Annexure P-1 which was registered under Section 174-A IPC against the petitioner. However, the State counsel has not disputed the fact that as per order Annexure P-7, passed by the Court of Judicial Magistrate Ist Class, Dabwali, it appears that the main complaint filed by the complainant against the petitioner under Section 138 NI Act stands withdrawn on the basis of compromise.

4. Undoubtedly, impugned order Annexure P-5 and FIR Annexure P-1 are offshoot of aforesaid criminal complaint, lodged under Section 138 NI Act.

5. Since the complaint under Section 138 of NI Act has been withdrawn, the order declaring the petitioner as proclaimed person has become redundant. Under these circumstances, no useful purpose would be served by keeping the aforementioned FIR alive.

6. Consequently, the present petition is allowed, order dated 21.09.2023 Annexure P-5 and FIR No. 735 dated 18.12.2023 (Annexure P-1), registered under Section 174-A IPC in Police Station City Mandi, Dabwali, District Sirsa are quashed along with all subsequent proceedings arising therefrom.

12.09.2024

Yogesh

**Whether speaking/reasoned:-
Whether reportable:-**

**(KARAMJIT SINGH)
JUDGE**

**Yes/No
Yes/No**