

CRM-M-49113-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

285

CRM-M-49113-2023
Decided on: 13.05.2024

Virender Singh ...Petitioner

Versus

State of Haryana and another ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Rahul Vats, Advocate
For the petitioner(s).

Mr. Rajat Gautam, Addl. AG, Haryana.

ANOOP CHITKARA, J.

Complaint case No.NACT/45/2020 u/s 138 of Negotiable Instruments Act Instituted on: 01.02.2020	
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Seeking quashing of proclamation order dated 13.02.2023, passed by, SDJM/ACJM (Annexure P-12), the accused has come up before this court under Section 482 CrPC.

2. After dishonour of cheque handed over by the petitioner to second respondent, the second respondent had filed a complaint against the petitioner under section 138 of Negotiable Instruments Act, 1881.
3. The accused could not be served through the ordinary process, including summons, bailable warrants, and even non-bailable warrants. The concerned court finally proceeded against the petitioner under section 82 of CrPC and declared the petitioner a proclaimed offender vide aforesaid order.
4. After issuance of proclamation, the matter got settled between the parties. Vide order dated 05.05.2023, ADJ(SD)/SDJM/RC/Safidon, has recorded that as per statement of complainant, compromise has been effected and complainant withdrew his complaint.
5. In paragraph 14 of the petition, the petitioner explains that due to difference of name, service could not be effected on the petitioner.I am satisfied with the explanation offered. The

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primary matter stands dismissed as withdrawn and the primary order merged with the final order. There is no challenge to FIR if any registered pursuant to the impugned order, so, this Court could not adjudicate upon the same. Consequently, in the facts and circumstances peculiar to this case, the petition is allowed, the above captioned impugned order dated 13.02.2023, is quashed.

Petition allowed. Liberty reserved to file a separate petition for quashing of FIR under section 174-A of IPC, if any, registered pursuant to the order 13.02.2023. All pending applications, if any, stand closed.

(ANOOP CHITKARA)
JUDGE

13.05.2024
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Whether speaking/reasoned:	Yes
Whether reportable:	No.