



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

123

CRM-M-48060-2024

Date of decision: 26.09.2024

Manjeet Singh Sahi @ Manjit Singh and others

.....Petitioners

Versus

State of Haryana and another

.....Respondents

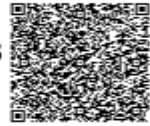
CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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

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.297 dated 30.05.2022 under Section 174A of the IPC registered at Police Station Panipat City, District Panipat, along with all consequential proceedings arising therefrom.

2. Learned counsel for the petitioner submits that a Complaint Case bearing CIS No.NACT 1168 of 2019 titled as 'Devender Singh Vs. BHC Star Pvt. Ltd.' was instituted against the petitioners under Sections 138/142 of the Negotiable Instruments Act, 1881 (for short, 'the NI Act') in which they were declared proclaimed persons vide order dated 28.04.2022 by the Trial Court, pursuant to which FIR in question under Section 174-A of the IPC was registered against them. 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 respondent No.2-



complainant and compromised the matter with him. Resultantly, the complaint in question was withdrawn by him on 06.07.2023. In support, he has drawn the attention of this Court to Annexure P-4 wherein it stands reflected that the matter stood amicably settled between the parties and the complaint stood withdrawn.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.

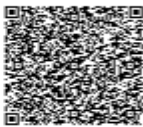
3. Notice of motion.

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 order dated 28.04.2022 in a complaint case under Section 138 of the NI Act. Admittedly, the said complaint was dismissed as withdrawn vide order dated 06.07.2023 (Annexure P-4). 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.

26.09.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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