



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

CRM-M-54449-2022

Date of Decision : **09.12.2024**

DAVINDER SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Lakhwinder Singh Lakhanpal, Advocate,
for the petitioner.

Mr.Pardeep Bajaj, DAG, Punjab.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition preferred under Section 482 of the Cr.P.C., the petitioner seeks quashing of case FIR no.336, dated 17.11.2022, registered under Sections 174-A of the IPC, at Police Station City Hoshiarpur, District Hoshiarpur, (Annexure P-3), and all other consequential proceedings arising therefrom.

2. In asking for the relief (*supra*), learned counsel for the petitioner submits that, the present petitioner was declared as a proclaimed offender, vide order dated 14.10.2019, in a private complaint instituted by respondent no.2, bearing No.NACT-803-2018, under Section 138 of the Negotiable Instruments Act, 1881. On account of, the petitioner being declared as a proclaimed offender, the instant FIR, has been registered under Section 174-A of the IPC.

3. On 22.11.2022, a co-ordinate Bench of this Court, after considering the submissions, made by learned counsel for the petitioner, passed the following order:-

“Learned counsel for the petitioner relies upon order dated 17.11.2022 passed in CRM-M-29885-2022, vide which in a petition filed by the petitioner seeking quashing of order dated 14.10.2019, declaring the petitioner a proclaimed offender, was challenged and the petitioner was directed to surrender before the trial Court within a period of one week with a direction to the trial Court that he will be admitted to ad-interim bail.

Learned counsel for the petitioner submits that the present FIR has been registered in pursuance to aforesaid order, declaring the petitioner a proclaimed offender.

Notice of motion for 19.01.2023.

In the meantime, the petitioner is directed to appear before the Investigating Officer within a period of one week from today and join investigation, subject to the conditions as provided under Section 438 (2) Cr.P.C.”

4. Learned counsel for the petitioner submits that in pursuance of the direction (*supra*), the petitioner did cause appearance before the investigating officer concerned, and he was granted the relief of interim bail by the learned trial court concerned, vide order dated 23.11.2022.

3. He further submits that the private complaint (*supra*), in which the petitioner was summoned, has been dismissed withdrawn, vide order dated 18.04.2024, after the matter having been amicable settled between the parties concerned. A photocopy of order dated 18.04.2024, is ordered to be taken on record as Mark 'A'.

4. He finally, submits that the continuation of further proceedings in instant FIR under Section 174-A, are totally unwarranted.

6. The submissions made by learned counsel for the petitioner was duly opposed by learned State counsel, however, he admit the *factum* of order dated 18.04.2024 vide which the main private complaint has been dismissed as withdrawn by respondent no.2/complainant.

7. This Court has heard learned counsel for the parties concerned, and has gone through the entire case file.
8. Considering the fact that the main private complaint, in which the petitioner was facing the trial, has itself been dismissed as withdrawn vide order (supra), this Court deems it fit and appropriate to quash the criminal proceedings in the instant case.
9. Resultantly, the instant petition is, hereby, **allowed**, and FIR no.336, dated 17.11.2022, registered under Sections 174-A of the IPC, at Police Station City Hoshiarpur, District Hoshiarpur, and all the subsequent proceedings arising therefrom, are, hereby, **quashed**, *qua* the present petitioner.
10. All pending application(s), if any, also stand **disposed** of accordingly.

December 09, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No