



134

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

CRM-M-56924-2024

Date of decision : 14.11.2024

Vinod**.....Petitioner****versus****Amit Kumar****.....Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Ms. Gaganpreet Kaur, Advocate for
Mr. Rhythem Bajaj, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed for quashing the impugned order dated 22.04.2024, passed by the learned Judicial Magistrate Ist Class, Abohar, District Fazilka, whereby the petitioner has been declared as proclaimed person in case bearing CRM-1074-2023 dated 23.11.2023 in NACT-1206 of 2020 dated 25.11.2020.

2. It has been submitted by learned counsel for the petitioner that the petitioner has been prosecuted in the impugned complaint under Section 138 of the Negotiable Instruments Act by the respondent. He submits that the petitioner was declared as a proclaimed person vide impugned order dated 22.04.2024 (Annexure P-3). She has submitted that on earlier occasion the compromise was effected between the parties and on the basis of compromise, the complaint was dismissed as withdrawn vide order dated 04.10.2023 (Annexure P-2). She has further stated that due to financial crises the petitioner could not honour the terms of compromise by depositing the remaining amount as agreed in the settlement. Thereafter, the complainant moved an application for revival



of the complainant i.e. CRM No.1074 of 2023. She has fairly submitted that the petitioner is ready to pay the entire amount and honour the settlement as a whole and as such he may be allowed to appear before the trial Court and the proceedings declaring him as a proclaimed person may kindly be set aside/quashed.

3. I have heard counsel appearing for the petitioner and perused the record.

4. After hearing counsel for the petitioner and perusing the record, it is apparent that the petitioner remained absent on 22.04.2024 and he was declared as proclaimed offender. The petitioner is keen to join the proceedings. So keeping in view the abovesaid facts, the present petition is disposed of and the impugned order dated 22.04.2024 is *set aside* subject to payment of Rs.10,000/- as costs to be paid to the complainant, by the petitioner within 10 days from today. In case, the petitioner appears and surrenders before the Court concerned within a period of 10 days from today and files an application for bail alongwith costs of Rs.10,000/-, the Court concerned is directed to admit him to bail subject to its satisfaction and decide the application for revival of the complaint in accordance with law. He will have protection from arrest for a period of 10 days from today.

5. In case the cost deposited as stated above, notice will be issued to the complainant and on his appearance, amount of Rs.10,000/- awarded as costs shall be paid to him forthwith.

6. Needless to say that in case the petitioner fails to comply with the abovesaid direction, he will have no benefit of abovesaid protection granted by this Court and order under challenge dated 22.04.2024 would come in force and the present petition shall be deemed to have been

dismissed.

7. The present petition stands disposed of in above terms.

14.11.2024
ps-I

(RAJESH BHARDWAJ)
JUDGE

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