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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(CRL) 182/2023 & CRL. MA 1717/2023**

RITAM KALRA

.....Petitioner

Through: **Mr. Kamal Mehta and Mr. Nishant Mankoo, Advocates.**

versus

STATE (GOVT. OF NCT OF DELHI)

.....Respondent

Through: **Mr. Sanjeev Bhandari, ASC (Crl.) for the State with Ms. Charu Sharma, Mr. Arijit Sharma, Mr. Vaibhav Vats and Mr. Nikunj Bindal, Advocates along with SI Sunder Singh and HC Vinod Prasad PS Nangloi, Delhi.**

Mr. Manoj Aggarwal, Advocate for complainant.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

01.10.2024

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1. By way of the present petition, the petitioner seeks quashing of FIR No.0888/2022 registered under Section 174A IPC at P.S. Nangloi, Delhi in pursuance of the directions dated 11.11.2022 passed by the learned Judicial Magistrate First Class. The impugned directions came to be passed in the context of the proceedings of a complaint filed under Section 138 of the Negotiable Instrument Act, 1881 (*hereinafter, referred to as the "NI Act"*) wherein the present petitioner was arrayed as an accused.

2. Learned counsel for the petitioner while taking the Court through the proceedings before the learned Trial Court submits that the process server



had initially gone to the factory premises of the petitioner to serve the summons, whereafter the learned Trial Court directed the issuance of bailable warrants to be executed at the petitioner's residential address. He submits that a reading of the process server's report would indicate that it was reported to the learned Trial Court that the petitioner had already vacated the said premises three years ago. He submits that though the complainant had the mobile number and email of the petitioner, however the same was not on record and as the petitioner remained unserved, the learned Trial Court initiated the proceedings under Section 82 Cr.P.C and eventually declared the petitioner an absconder. He states that the petitioner was never aware of filing of any proceedings against him under Section 138 of the NI Act. He further states that the petitioner on coming to know of the said proceedings, has duly settled the matter with respondent No.2 as the entire amount under the cheque stands paid and the said complaint proceedings have also been compounded and the petitioner has been acquitted vide order dated 07.03.2024.

3. Mr. Manoj Aggarwal, learned counsel enters appearance on behalf of the complainant/respondent No.2 and confirms that the matter has been settled and the complaint proceedings under Section 138 of the NI Act stands compounded.

4. Considering that the aforesaid FIR came to be registered in the proceedings under Section 138 of the NI Act which stand compounded, and in view of the explanation tendered on behalf of the petitioner, this court is of the opinion that the petitioner was never served with the summons and as such the continuation of the aforesaid FIR would serve no purpose.

5. In view of the aforesaid, the petition is allowed and the aforesaid FIR



and all the proceedings arising therefrom are hereby quashed.

6. The petition is disposed of in above terms along with pending application.

MANOJ KUMAR OHRI, J

OCTOBER 1, 2024/*rd*