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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.M.C. 2557/2023, CRL.M.A. 9703/2023

VIKAS JALLAN

..... Petitioner

Through: Mr. Rushil Pathania, Advocate.

versus

GOVT. OF NCT OF DELHI THROUGH SHO, PARLIAMENT
STREET POLICE STATION

..... Respondent

Through: Mr. Nawal Kishore Jha, Ld. APP for
the State alongwith SI Mohit Verma,
P.S. Parliament Street.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

23.04.2024

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1. By way of present proceeding filed under Section 482 Cr.P.C., the petitioner seeks quashing of the FIR 87/2017 registered under Section 174A IPC registered at P.S. Parliament Street, the order taking cognizance as well as the proceedings emanating therefrom.

The facts discernible from the record are that proceedings under Section 138 of Negotiable Instruments Act, were initiated against the petitioner being complaint case no.6979/2012, wherein he was declared 'proclaimed offender' vide order dated 04.07.2017. The petitioner claims that on being summoned in the aforesaid complaint case, he entered into a settlement agreement with the complainant, which factum also finds mention in order dated 11.08.2014. In pursuance of the same, postdated cheques for the settlement amount were also handed over. In this regard, he has referred to the order dated 09.08.2017, wherein statement of



complainant was recorded to the effect that it had no objection to the request for grant of bail and subsequently, the petitioner was admitted to bail. Apparently, on account of the P.O. proceedings, the petitioner was re-arrested on 15.11.2017 and after verification of the factum of settlement, he was again admitted to bail on 18.11.2017.

2. Learned counsel for the petitioner states that the entire amount under the settlement stands paid. Insofar as initiation of proceedings under Section 82 Cr.P.C are concerned, learned counsel has referred to the report prepared by the process server at the time of execution of bailable warrants. In the said report, it was recorded that when the petitioner was sought to be served, he was not found available at the given address as he was travelling to China. Despite the aforesaid reports, non-bailable warrants were issued on 12.05.2016.

3. A report dated 16.09.2016 with respect to execution of non-bailable warrants was also placed on record. As per the said report, the petitioner was not found available at the premises. Statement of one Vinay Kumar Mishra was recorded to the effect that the petitioner was not available in Delhi and that he would be informed as and when he returns.

4. A perusal of the aforesaid would show that at the very first instance, when the report of the process server w.r.t execution of bailable warrants was filed stating therein that the petitioner was not available in India, fresh bailable warrants ought to have been issued instead of non-bailable warrants.

5. Considering that the petitioner has already entered into a settlement with the complainant, the fact that entire amount stands paid and the further fact that the complaint case already stands compounded, the aforesaid FIR as well as all the proceedings emanating therefrom are quashed against the



present petitioner.

6. Accordingly, the petition is disposed of.

MANOJ KUMAR OHRI, J

APRIL 23, 2024/K