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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(CRL) 2876/2024, CRL.M.A. 28084/2024 and
CRL.M.A. 28085/2024
HANSRAJPetitioner
Through: Mr.Archit Singhal, Advocate

versus

STATE OF NCT OF DELHI AND ANR.Respondents
Through: Mr.Amol Sinha, ASC for State with
Mr.Kshitiz Garg, Mr.Ashvini Kumar and
Ms.Chavi, Advocates

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
11.11.2024

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1. By way of present petition, the petitioner seeks quashing of the FIR No.287/2023 registered under Section 174A of IPC at P.S. Paschim Vihar West, Delhi.
2. Learned counsel for the petitioner submits that the subject FIR came to be registered on account of the petitioner not appearing before the Trial Court in the proceedings initiated by respondent No.2 under Section 138 NI Act. He further submits that the petitioner had left the address which is available before the Trial Court more than 1 ½ years prior to being attempted to be served. In this regard, he has referred to the report of the process server, which also indicates that the present petitioner had left the address about 1 ½ years ago. He also submits that the petitioner had appeared before the Trial Court in the aforesaid proceedings and has also been granted bail.



3. Learned ASC for the State, on instructions, submits that the reason for registration of the FIR was non-availability of the petitioner before the Trial Court. He further submits that the process server report also mentions that the petitioner had left the given address more than 1 ½ years ago.
4. I have heard learned counsel for the petitioner as well as learned ASC for the State and have also gone through the material placed on record.
5. The petitioner has been able to explain his absence before the Trial Court. The explanation offered by the petitioner is found to be satisfactory and he has now even appeared before the Trial Court.
6. During the course of submissions, learned counsel for the petitioner submits that the petitioner undertakes to appear regularly before the Trial Court in the proceedings initiated under the NI Act. The undertaking is accepted, taken on record and he is made bound by the same.
7. In view of the above facts, it is directed that the aforesaid FIR and the consequent proceedings arising therefrom are hereby quashed alongwith the pending applications.

MANOJ KUMAR OHRI, J

NOVEMBER 11, 2024

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