



CRM-M-12091-2025

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In the High Court of Punjab and Haryana at Chandigarh

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Date of Decision: 11.03.2025

SANJAY CHOPRA

.....PETITIONER

VERSUS

STATE OF HARYANA AND ANR

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE H.S.GREWAL

Present: Mr. Shubham Kaushik, Advocate for the petitioner.

H.S. GREWAL, J. (ORAL)**CRM-10125-2025**

This application has been filed under Section 528 BNSS for permission to place on record correct copy of FIR 1213 dated 29.10.2023 as Annexure A-1.

For the reasons stated in the application, the same is allowed and Annexure A-1 is ordered to be taken on record.

Main case:

1. The petitioner is seeking quashing of order of proclamation dated 19.10.2023 (Annexure P-1) passed by learned Judicial Magistrate Ist Class Exclusive Court , Negotiable Instruments Act, Hisar whereby the petitioner has been declared a proclaimed person as well as consequential proceedings arising therefrom including the case FIR No.1213 dated 29.10.2023 (Annexure A-1)



registered at Police Station HTM, Hisar, District Hisar under Section 174-A IPC, 1860 and all consequential proceedings emanating therefrom.

2. Learned counsel for the petitioner contends that the petitioner was caught unawares about the order dated 19.10.2023 (Annexure P-1) declaring him a proclaimed person. He submits that there has been non-compliance of the provisions of Section 82 of Cr.P.C. and hence, the impugned order declaring the petitioner a proclaimed person deserves to be set aside. He further contends that the complainant has received Rs.45,000/- in cash as full and final settlement against all the three cheques and has subsequently withdrawn the complaint before the trial Court concerned and further contends that vide order dated 20.02.2025 (Annexure P-3), the trial Court concerned has dismissed the complaint as withdrawn.

3. Notice of motion.

4. On the asking of the Court, Ms. Ankita Ahuja, AAG, Haryana, accepts notice behalf of the respondent-State whereas Mr. Paras Khindri, Advocate has put in appearance and has filed Memorandum of Appearance on behalf of the complainant which is taken on record. Learned counsel for the complainant confirms the factum of amount received against the cheques.

5. A perusal of the impugned order reveals that the trial Court issued the proclamation without recording reasons of its belief that the petitioner has absconded or is concealing himself. This Court in the judgment passed in ***Major Singh @ Major Vs. State of Punjab 2023 (3) RCR (Criminal) 406; 2023 (2) Law Herald 1506*** has held that the Court is first required to record its satisfaction before issuance of process under Section 82 Cr.P.C. and

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non-recording of the satisfaction itself makes such order suffering from incurable illegality. Since the matter between the parties has been settled and the complaint before the trial Court concerned stands withdrawn, no purpose would be served in wasting the time and resources of the State in pursuing this case to its pre-ordained end. It would, therefore, be better to give a quietus to the issue at this stage.

6. Accordingly, the petition is allowed and impugned order dated 19.10.2023 (Annexure P-1) passed by learned JMIC Exclusive Court, Negotiable Instruments Act, Hisar whereby the petitioner has been declared as a proclaimed person as well as consequential proceedings arising therefrom including the case FIR No.1213 dated 29.10.2023 (Annexure A-1) registered at Police Station HTM, Hisar, District Hisar under Section 174-A IPC, 1860 and all consequential proceedings emanating therefrom, shall stand quashed.

11.03.2025*remu***(H.S.GREWAL)
JUDGE**

Whether speaking/ reasoned :

Yes/No

Whether Reportable :**Yes/No**