

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

**Crl. Misc. No. M-14522 of 2013
Date of Decision: 02.11.2015.**

Vinod Kapoor and anotherPetitioners

Vs.

State of Punjab and anotherRespondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. S.S.Majithia, Advocate
for the petitioner.

Mr. P.S.Bajwa, DAG, Punjab.

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SABINA, J.

Petitioners have filed this petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No. 249 dated 13.6.2012, under Section 420, 467, 471 of the Indian Penal Code, 1860 ('IPC' for short), registered at Police Station Civil Lines, Amritsar City (Annexure P-1) and all the subsequent proceedings arising therefrom.

Prosecution story, in brief, is that petitioner No. 1 had issued a cheque dated 5.2.2012 in the sum of ₹ 1,83,026/- in favour of the company of respondent No. 2. When the said cheque was presented for encashment, it was returned unpaid with memo "alteration in date/figure/words require drawer's full signature". The cheque in question had been tampered by the accused in connivance with the Branch Manager of the bank.

Learned counsel for the petitioners has submitted that the petitioners have already paid ₹ 1,85,000/- to the

complainant in terms of the order passed by this Court dated 25.9.2012 (Annexure P-2).

Learned State counsel, on the other hand, has opposed the petition. However, the fact that the petitioners have paid ₹ 1,85,000/- to the complainant/respondent No. 2 has not been disputed.

In the present case, the allegation against the petitioners is that they had tampered with the cheque in question in connivance with the Manager of the bank, issued in favour of the complainant. Vide order Annexure P-2, petitioners were ordered to pay a sum of ₹ 1,85,000 to the complainant by way of bank draft as one of the conditions at the time of grant of anticipatory bail. In pursuance to the said order, petitioners have admittedly paid ₹ 1,85,000/- to respondent No. 2. Since the petitioners have already paid the amount in question to respondent No. 2 and the fact that the cheque in question was allegedly tampered while it was in the possession of the bank authorities and it would be debatable issue as to whether the petitioners had any access to the cheque in question, it would be just and expedient to quash the FIR in question as continuation of criminal proceedings against the petitioners would not serve any useful purpose.

Accordingly, this petition is allowed. FIR No. 249 dated 13.6.2012, under Section 420, 467, 471 IPC, registered at Police Station Civil Lines, Amritsar City (Annexure P-1) and all the consequential proceedings, arising therefrom, are quashed.

**(SABINA)
JUDGE**

November 02, 2015