

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

**CRM-M No.20403 of 2018 (O&M)
Date of Decision: 30.04.2019**

Yogesh Chauhan

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Manasvi Sharma, Advocate for the petitioner.

Mr. Yashwinder Singh, Deputy Advocate General, Haryana
for the respondent/State.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 482 of the Code of Criminal Procedure (*for short 'Cr.P.C.'*) for quashing of FIR No.361 dated 19.03.2018 (**P-1**), under Section 174-A of the Indian Penal Code, 1860 (*for short 'IPC'*), registered at Police Station City Panipat, District Panipat along with all consequential proceedings arising therefrom.

It has been pointed out by learned Counsel for the petitioner that on account of the passing of order dated 09.03.2018 (**P-5**), whereby the petitioner was declared as proclaimed person, the present FIR has been registered, but as a matter of fact, in the main complaint, filed under Section 138 of the Negotiable Instruments Act, 1881 (*for short 'Act'*), the entire payment of cheque amount has been made and consequently, the same was dismissed as withdrawn on 30.03.2018 (**P-6**).

The above factual position is duly acknowledged by learned State Counsel, on instructions from H.C. Sunder, and the same is not disputed.

Concededly, the main complaint filed under Section 138 of the Act has been dismissed as withdrawn and the entire cheque amount has been refunded. Even otherwise, the FIR in question was registered on account of the declaration of the petitioner as proclaimed person on 09.03.2018 (P-5) and thereafter, he did appear before learned trial Court and consequently, the same was finally closed on 30.03.2018 (P-6).

Therefore, the pendency of the proceedings under Section 174-A, IPC would be an exercise in futility and thus, the same deserves to be quashed so that valuable time of the learned trial Court can be utilized for a better cause.

In view of the above, FIR No.361 dated 19.03.2018 (P-1), under Section 174-A, IPC, registered at Police Station City Panipat, District Panipat along with all consequential proceedings arising therefrom are quashed and set aside.

April 30, 2019

Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No