

CRM-M-13855-2021

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

CRM-M-13855-2021 (O & M)

Date of decision:08.11.2021

Deepak

...Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Kamal Chaudhary, Advocate,
for the petitioner.

Mr. Ashok Singh Chaudhary, Addl. A. G. Haryana.

Mr. Johan Kumar, Advocate,
for respondent No.2.

HARNARESH SINGH GILL, J. (ORAL)

CRM-12665-2021

Allowed as prayed for. Affidavit of the authorized representative of the Faridabad District Primary Cooperative Agricultural & Rural Development Bank Ltd. Ballabgarh Branch, District Faridabad, is taken on record as Annexure R-1.

CRM-35897-2021

This is an application under Section 482 Cr.P.C. for an early hearing of the main petition i.e. CRM-M-13855-2021, which is fixed for hearing on 06.12.2021.

Notice in the application to the respondents.

Learned State counsel and learned counsel for respondent No.2

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submit that they have no objection, if the present application is allowed.

In view of the above, the present application is allowed and the date of hearing of the main petition i.e. CRM-M-13855-2021, is preponed from 06.12.2021 to that of today and the same is taken on the Board for hearing.

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Present petition has been filed for quashing of FIR No.760 dated 29.07.2017, registered at Police Station Ballabgarh City, District Faridabad, under Section 174-A IPC, and all the subsequent proceedings arising therefrom.

Learned counsel for the petitioner submits that prior to the passing of the order dated 18.10.2014, declaring the petitioner a proclaimed person, no proclamation was ever issued to or served upon the petitioner. The petitioner surrendered before the trial Court and was ultimately released on bail. Subsequently, the petitioner settled the matter with the bank and ultimately, vide order dated 08.12.2018 (Annexure P-3) passed by the trial court, the complaint under Section 138 of the Negotiable Instruments Act (for brevity, 'N.I.Act'), was dismissed as withdrawn.

Learned counsel further submits that when the main case, out of which the FIR in question has emanated, stands settled, there is no justification in prosecuting the petitioner in the impugned FIR.

Learned counsel for respondent No.2 submits that as per the affidavit (Annexure R-1), respondent No.2-bank has received the cheque amount in the complaint under Section 138 of the N.I. Act, following which the said complaint was dismissed as withdrawn, and that respondent

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No.2 has no objection, if the present FIR is quashed.

I have heard the learned counsel for the parties.

It is a case in which the cheque amount in the complaint under Section 138 N.I.Act, has been paid by the petitioner to the bank and to that effect, affidavit (Annexure R-1) has also been filed. Even the complaint under Section 138 of the N.I.Act, has been dismissed as withdrawn. Relevant extract of the affidavit (Annexure R-1) would read as under:

“3. That in the above said complaint, the petitioner/accused was declared as proclaimed person and consequently, the present FIR bearing No.760 dated 29.07.2017, u/S 174-A IPC, P.S.Ballabgarh City, District Faridabad was registered against the petitioner by the Ld. JMIC, Faridabad.

4. That the bank/respondent No.2 has no objection in case the present FIR is quashed against the petitioner because the bank has received the cheque amount and consequently complaint was also withdrawn on 08.12.2018.”

In view of the above, the present petition is allowed and the impugned FIR No.760 dated 29.07.2017, registered at Police Station Ballabgarh City, District Faridabad, under Section 174-A IPC, and all the subsequent proceedings arising therefrom, are hereby quashed.

08.11.2021

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No