

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(120)

CRM-M No.27571 of 2021
Date of Decision : 02.12.2021

Vijay Kumar & another

....Petitioners

Versus

State of Haryana & another

.....Respondents

CORAM : HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. A.S. Nirmaan, Advocate,
for the petitioners.

Mr. Munish Sharma, AAG, Haryana.

AMOL RATTAN SINGH, J. (Oral)

On 19.07.2021, the following order had been passed:-

“Case heard via video conferencing.

By this petition, the petitioners seek quashing of FIR no.2089, dated 25.10.2019, registered at Police Station Shivaji Nagar, Gurugram, alleging therein the commission of an offence punishable under Section 174-A of the IPC in view of the fact that they have made the complete payment in complaint case no.138 NIA-23630 of 2017, and the same stands dismissed as withdrawn.

Learned counsel for the petitioners submits that the complaint out of which the present proceedings eventually arise, instituted by respondent no.2, stands withdrawn by the said complainant upon the entire payment having been made by the petitioner, it being one alleging therein the commission of an offence punishable under

Section 138 of the Negotiable Instruments Act, 1881.

Notice of motion.

Mr. Neeraj Poswal, learned AAG, Haryana, accepts notice on behalf of respondent no.1, at the asking of the court.

Notice now be issued to respondent no.2, returnable on 16.9.2021.

In view of the fact that a copy of the order withdrawing the said complaint against the petitioners has been annexed as Annexure P-6, further proceedings in the FIR in question shall remain stayed, till the next date of hearing.”

Thereafter, on 22.11.2021, the following order had been

passed:-

“Thereafter, as recorded in the order dated 16.09.2021, as per the report of the Registry, respondent no.2, i.e. the complainant in the FIR, stood served of the notice issued, but none having appeared for him at that stage, the hearing in the matter was adjourned till today, with it ordered to be shown in the urgent motion list.

Today also none appears for respondent no.2, that being the company as had filed the complaint against the petitioner under the provisions of Section 138 of the Negotiable Instruments Act, 1881.

Therefore with respondent no.2 not wishing to contest this petition, obviously the matter had been settled between the petitioner and the said respondent.

Be that as it may, the petitioner having unnecessarily wasted the time of the court as also having made the State machinery ‘run around’ for no

reason, this petition can only be allowed subject to costs being paid by the petitioner.

The petitioner shall deposit a demand draft of Rs.5,000/- with the Secretary, District Legal Services Authority, Gurugram, and produce a receipt to that effect on the next date of hearing.

Adjourned to 02.12.2021.

To be shown in the urgent motion list.”

Today, learned counsel for the petitioners has produced in Court a photocopy of the receipt dated 29.11.2021, issued by the District Legal Services Authority, Gurugram, showing that an amount of Rs.5,000/- has been received by way of a demand draft (obviously pursuant to the order of this Court dated 22.11.2021). The photocopy of the said receipt is ordered to be taken on record as Annexure C-1 with the petition.

In view of what has already been noticed in the aforesaid order and the costs ordered to be paid by this Court having now been paid, the petition is allowed and FIR No.2089, dated 25.10.2019, registered at Police Station Shivaji Nagar, Gurugram, alleging therein the commission of an offence punishable under Section 174-A of the IPC, along with all proceedings emanating therefrom, is hereby quashed.

02.12.2021

monika

(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking?

Yes

Whether reportable?

No