

IN THE HIGH COURT OF PUNJAB AND HARYANA,
CHANDIGARH

CRM-M-45879 of 2021 (O&M)

Date of decision: 02.11.2021.

Varun Khurana

....Petitioner

VERSUS

State of Haryana

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr.Vinod Kumar Kaushal, Advocate
for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

(Through Video Conferencing).

HARSIMRAN SINGH SETHI, J. (ORAL)

Present petition has been filed under Section 482 Cr.P.C., for quashing of FIR No.258 dated 06.06.2021 registered under Section 174-A of the IPC at Police Station Panchkula Sector-5, District Panchkula.

Learned counsel for the petitioner argues that in the present petition, the proceedings under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter referred as '1881 Act') were initiated against the petitioner, during which proceedings the petitioner was declared a proclaimed offender. Learned counsel further submits that the petitioner has already paid the entire amount to the satisfaction of the complainant and the said complaint under 1881 Act was withdrawn but proceedings under Section 174 (A) of IPC have been initiated against the petitioner even though, the complaint, during the pendency of which, the present proceedings came into being, already stands withdrawn.

Learned counsel submits that as the petitioner has already

satisfied the claim of the complainant to his satisfaction, the present proceedings initiated against the petitioner under Section 174-A IPC may kindly be quashed and the petitioner is ready for imposition of cost for wasting the time of the Court.

Notice of motion.

Mr. Gaurav Bansal, AAG, Haryana, accepts notice on behalf of the State.

Learned State counsel submits that the proceedings under Section 174-A IPC, have rightly being initiated against the petitioner in FIR No.258 dated 06.06.2021, registered at Police Station Panchkula, Sector-5, District Panchkula.

I have heard the learned counsel for the parties and gone through the record with their able assistance.

Petitioner was declared a proclaimed offender during the pendency of the proceedings initiated against him in the complainant under Section 138 of Negotiable Instruments Act and the said proceedings/complaint has already been withdrawn by the complainant as the petitioner has satisfied the claim of the complainant therein. No justifiable purpose will be served in continuing with the proceedings under Section 174-A IPC as the present petitioner, who has already joined the proceedings in the present FIR by presenting himself before the trial Court and has already been extended the concession of bail, especially in view of the fact that he has already paid the amount to the complainant to his satisfaction.

Keeping in view the facts and circumstances of this case, where the main proceedings, during the pendency of which the petitioner was

declared a proclaimed offender, have already been withdraw by the complainant and the claim of the complainant has already been satisfied by the petitioner, hence by taking a lenient view of the act of the petitioner in evading himself from law, the prayer of the petitioner for quashing of the present FIR No.258 dated 06.06.2021 registered under Section 174-A of the IPC at Police Station Panchkula Sector-5, District Panchkula is accepted and the same is quashed subject to payment of Rs.15,000/- as cost, to be deposited with Prabh Aasra, (Unit of) u/o Universal Disabled Care Taker Social Welfare Society (who are maintaining Orphans) in Bank Account No.014894600000970, Yes Bank Branch, SCO 151/152, Sector 9-C, Chandigarh or A/C No.100035657241 of Indusind Bank Sector 54 Phase II Mohali Branch by the petitioner.

November 02, 2021
rekha sharma

(HARSIMRAN SINGH SETHI)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>