

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

CRM-M-53945-2022

Date of Decision: 21.11.2022

GURPREET SINGH

..... Petitioner

Versus

STATE OF HARYANA AND ANOTHER

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Daljeet Singh Virk, Advocate
for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

JAGMOHAN BANSAL, J. (Oral)

The instant petition has been filed under Section 482 Cr.P.C., seeking quashing of FIR No. 0137 dated 01.04.2020, registered under Section 174-A IPC, at Police Station Adampur Hisar, District Hisar (Annexure P-2), and all the consequent proceedings arising therefrom.

The brief facts emerging from the record and necessary for the adjudication of the present petition are that respondent No.2-J.S.P. Crop Science, Adampur Mandi, District Hisar, in its ordinary course of business supplied pesticides to the petitioner. The petitioner in discharge of his legal liabilities issued cheque bearing No.230302 dated 21.11.2017 for Rs.1,32,790/- drawn on Oriental Bank of Commerce, Ding. The complainant-respondent No.2 presented the aforesaid cheque which was returned with remarks "Funds Insufficient". Respondent No.2 took its legal course as provided under Section 138 of Negotiable Instruments Act (for short, 'NI Act').

The petitioners while trial under Section 138 of NI Act was pending before JMJC, Hisar failed to appear on the date fixed which

entailed proceedings under Section 82/83 Cr.P.C. Learned JMIC, Hisar declared the petitioner proclaimed offenders and directed the SHO, Police Station, Adampur, to register the FIR against him.

In compliance of orders of JMIC, Hisar an FIR No. 0137 dated 01.04.2020 came to be registered under Section 174-A of IPC. Respondent No.2 filed an application seeking withdrawal of his complaint and learned trial Court vide order dated 06.08.2021 (Annexure P-5) ordered to dismiss the complaint as withdrawn.

Learned counsel for the petitioners would contend that respondent No.2 has already received payment of cheque in dispute and complaint under Section 138 and 141 of NI Act stands withdrawn, therefore, continuance of proceedings under Section 174A of IPC amounts to abuse of process of law as proceedings under Section 174A of IPC are consequential in nature.

Learned State counsel on being confronted above-stated facts would submit that the main matter i.e. dishonour of cheque has already been settled between the parties, however, proceedings under Section 174A were initiated on account of non-appearance of petitioners before learned trial Court.

Learned State counsel does not seriously dispute the prayer of the petitioners especially in view of the fact that the main matter has already been settled between the parties and State is not an aggrieved party.

I have heard arguments of both sides and perused the record.

It is undisputed fact that main dispute between petitioners and respondent No.2 stands settled. The dispute between the parties was

confined to dishonour of cheque and respondent No.2 has already received full and final payment. The proceedings under Section 174A were initiated on account of declaration of petitioners as proclaimed offenders. The petitioner subsequently settled the matter. There seems to be no reason to continue with proceedings under Section 174A especially when petitioner has settled the main dispute and main case stands dismissed as withdrawn.

In view of the above-stated facts and circumstances, this Court is of the considered opinion that the present petition deserves to be allowed and accordingly allowed. FIR No. 0137 dated 01.04.2020, registered under Section 174-A IPC, at Police Station Adampur Hisar, District Hisar (Annexure P-2), and all other consequential proceedings arising therefrom are quashed qua the petitioner(s).

(JAGMOHAN BANSAL)
JUDGE

21.11.2022
Ali

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