

117 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-57730-2022 (O&M)

Date of Decision: 19.12.2022

BALJIT SINGH

..... Petitioner

Versus

STATE OF PUNJAB

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Nirmaljeet Singh Sidhu, Advocate
for the petitioner.

Mr. Amish Sharma, AAG, Punjab.

JAGMOHAN BANSAL, J. (Oral)

CRM-49417-2022

Application for placing on record Annexure P-6 (copy of challan report), is allowed, in view of the averments made in the application, duly supported by affidavit. Said document is taken on record. Office to append the same at appropriate place.

CRM stands disposed of.

CRM-M-57730-2022

The instant petition has been filed under Section 482 Cr.P.C., seeking quashing of FIR No. 142 dated 18.12.2018, registered under Section 174-A IPC, at Police Station Phul, District Bathinda (Annexure P-2) as well as charge-sheet dated 20.10.2022 (Annexure P-3) 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 against the petitioner complaint titled as 'The Bathinda Central Cooperative Bank Limited Vs.

Baljit Singh', COMA/348/2016 was filed under Section 138 read with Section 142 of Negotiable Instrument Act, 1881 and under Section 420 of IPC.

Learned counsel for the petitioner submits that the petitioner noted wrong date which resulted into his non-appearance before the Court below, thus, while the trial under Section 138 of Negotiable Instrument Act, 1881 was pending before the learned JMIC, Phul, the petitioner failed to appear on the date fixed which entailed proceedings under Section 82/83 Cr.P.C. Learned JMIC, Phul declared the petitioner proclaimed offender and directed the concerned SHO, Police Station Phul to register the FIR against him. In compliance of orders of JMIC, Phul, an FIR No.142 dated 18.12.2018 came to be registered under Section 174-A of IPC.

Subsequently, challan was presented on 09.09.2019 (Annexure P-6) and the petitioner was charge-sheeted under Section 174-A(Annexure P-3) vide order dated 20.10.2022.

Learned counsel for the petitioner further submits that petitioner entered into a compromise with the complainant-Bank and as per compromise, the petitioner agreed to pay the cheque amount in question and complainant-Bank had to withdraw the complaint. Thereafter, complainant-Bank suffered as statement before learned JMIC, Phul seeking withdrawal of his complaint and National Lok Adalat-cum-JMIC, Phul vide order dated 12.11.2022 ordered to dismiss the complaint as withdrawn.

Learned counsel for the petitioner would contend that Complainant-Bank has already received payment of cheque in dispute

and complaint under Section 138 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 petitioner and complainant stands settled. The dispute between the parties was confined to dishonour of cheque and complainant has already received full and final payment. The proceedings under Section 174A were initiated on account of declaration of petitioner as proclaimed offender. The petitioner had settled the matter. There seems to be no reason to continue with proceedings under Section 174A especially when petitioner have already appeared before the learned trial Court and settled the main dispute.

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. 142 dated 18.12.2018,

registered under Section 174-A IPC, at Police Station Phul, District Bathinda (Annexure P-2) as well as charge-sheet dated 20.10.2022 (Annexure P-3) and all other consequential proceedings arising therefrom are quashed *qua* the petitioner.

(JAGMOHAN BANSAL)

JUDGE

19.12.2022

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