

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

**CRM-M-1575-2023**

**Decided on:-12.01.2023**

Manjeet Singh

....Petitioner

vs.

State of Punjab and another

....Respondents

**CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA**

Present: Mr. Rahul Arora, Advocate,  
for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

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**HARKESH MANUJA J. (Oral)**

By way of present petition under Section 482 Cr.P.C., prayer has been made for quashing of FIR No.9, dated 08.01.2020, under Section 174-A IPC, registered at Police Station City Fazilka, District Fazilka and all subsequent proceedings arising therefrom qua the petitioner.

Brief facts of the case are that on account of dishonour of cheque dated 30.04.2017, a complaint under Section 138 of the Negotiable Instruments Act, 1881 (for short, "Act") was filed against the petitioner, wherein, he was summoned vide order dated 10.07.2017 passed by learned Chief Judicial Magistrate, Fazilka. It is further averred that neither the petitioner was having any knowledge of the complaint nor he received the copy of summons, as such on account of non-appearance, during pendency of complaint, on 13.08.2019, the petitioner was declared as a proclaimed person, resulting into registration of present FIR No.9 dated 08.01.2020, against him under Section 174-A IPC. The petitioner was arrested by the

police on 09.01.2020 and was released on bail, later. Therafter, the matter was compromised between the parties, on the basis of which, complaint under Section 138 of the Act, was dismissed as withdrawn followed by acquittal of the petitioner, vide order dated 13.08.2022 passed by the court of learned Judicial Magistrate Ist, Class-cum-Presiding Officer, National Lok Adalat, Fazilka.

Learned counsel for the petitioner submits that once the proceedings under Section 138 of the Act have already come to an end, no useful purpose is going to be served by continuing with the proceedings arising out of the FIR in question. In support, learned counsel for the petitioner relies upon judgments of this Court, passed in CRM-M-16449-2018, titled as “Satish Kumar vs. State of Haryana and another” and CRM-M-30911-2021, titled as “Ram Kumar Rana vs. State of Haryana and another”.

On the other hand, learned State counsel submits that the non-appearance of the petitioner before the court of learned JMIC, Fazilka in pursuance to summoning order was intentional, with a purpose to delay the proceedings. He also submits that the petitioner has only appended a copy of DDR entry pertaining to registration of FIR under Section 174-A against him, however, the copy of FIR has not been placed on record.

I have heard learned counsel for the parties and gone through the paper book.

Once, the complaint under Section 138 of the Act already stands withdrawn by the complainant and petitioner stands acquitted, no useful purpose is going to be served by carrying on with the proceedings

arising out of the present FIR No.9 dated 08.01.2020. Even otherwise, the case of the petitioner is fully covered with the judgments passed by this Court in Satish Kumar's case (supra) and Ram Kumar Rana's case (supra). Although rightly pointed out by the learned State counsel about non-filing of copy of FIR No.9 dated 08.01.2020 along with the present petition by the petitioner, it has not been disputed that the copy of DDR No.50 dated 08.01.2020 provides all the details of the contents of the FIR No.9 dated 08.01.2020, registered against the petitioner under Section 174-A IPC, as such, without adopting any hyper-technical approach and in view of the main proceedings having been settled between the parties, the petition is being entertained in its peculiar facts and circumstances.

Accordingly, the petition is allowed. Order dated 13.08.2019 along with FIR No.9 dated 08.01.2020, registered against the petitioner at Police Station City Fazilka and all other subsequent proceedings arising therefrom are ordered to be quashed, subject to deposit of a sum of Rs.5,000/- by the petitioner within a period of two weeks from today in the following account:-

Account Name – Punjab and Haryana High Court Bar  
Association Lawyer's Family Welfare Fund  
Account No.-41564846387  
Bank Name- SBI High Court Branch.

12.01.2023  
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**(HARKESH MANUJA)**  
**JUDGE**

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|----------------------------|---------|
| Whether speaking/reasoned: | Yes/No  |
| Whether reportable:        | Yes/ No |