

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-6406-2023

Decided on:-02.05.2023

Tarun Garg

....Petitioner

vs.

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Ashok K. Sharma Bhana, Advocate,
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Mr. Chand Ram Olla, Advocate,
for respondent No.2.

HARKESH MANUJA J.

1. Prayer in the present petition filed under Section 482 is for quashing of FIR No.0091, dated 04.02.2020, under Section 174-A IPC, registered at Police Station Bhiwani City, District Bhiwani.

2. The facts leading to the present case are that on account of dishonour of cheque bearing No.255404 dated 06.03.2017, the petitioner was arrayed as an accused in a complaint case bearing COMA-626-2017, titled as “*Harish Attri vs. Tarun Garg*”, filed under Section 138 of the Negotiable Instruments Act, 1881 (for short' “NI Act”) wherein, he failed to appear in pursuance to the summoning order passed by learned JMIC,

Bhiwani and resultantly, was declared a proclaimed person vide order dated

07.12.2019. Accordingly, FIR in question, was registered against the petitioner under Section 174-A IPC on 04.02.2020. Subsequently, the petitioner was arrested on 31.12.2021. Thereafter, petitioner was granted the concession of bail on 01.01.2022. Later, a settlement came to be arrived at between the parties as the petitioner discharged his liability by paying the amount of Rs.5 lakhs in favour of respondent No.2-complainant and in pursuance thereof, the complaint was dismissed as withdrawn and petitioner stands acquitted, vide order dated 10.10.2022 passed by learned JMJC, Bhiwani.

3. Learned counsel for the petitioner submits that once the main proceedings under Section 138 of the Act, 1881 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”.

4. Learned counsel for respondent No.2 also admits the factum of settlement arrived at between the parties against discharge of liability by the petitioner, having paid the due amount and thus, does not oppose the prayer made in the present petition.

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

6. Once, the complaint under Section 138 of the Act, 1881 already stands withdrawn by the complainant on having received the amount in

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dispute, no useful purpose is going to be served by carrying on with the proceedings arising out of the present FIR. 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).

7. Accordingly, the petition is allowed. Order dated 07.12.2019 passed in complaint bearing No.COMA-626-2017 along with FIR No.0091 dated 04.02.2020 and all other subsequent proceedings arising therefrom are ordered to be quashed.

8. The aforesaid order is subject to payment of costs of Rs.5,000/- to be deposited with the Punjab and Haryana High Court Bar Association, within a period of two weeks from today.

02.05.2023

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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/ No