

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

245

CRM-M-9227-2021

Date of decision: 19.04.2023

Baldev Singh

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Mukesh Kumar Sharma, Advocate for the petitioner.

Mr. Rahul Mohan, DAG, Haryana.

Mr. Samrat Ahuja, Advocate for respondent No.2.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.357 dated 11.12.2018 under Section 174-A of the IPC registered at Police Station Sadar, Hansi, and all consequential proceedings arising therefrom.

2. Learned counsel for the petitioner, at the outset, while drawing the attention of this Court to Annexure P-2, submits that the petitioner has already paid the amount due to respondent No.2-bank and the execution petition filed by respondent No.2-bank stands dismissed as withdrawn vide order dated 08.02.2019 (Annexure P-3). A prayer, therefore, has been made that in the aforementioned facts and circumstances, no purpose would be served by prosecuting the petitioner under Section 174-A IPC. In support of his submissions, learned counsel has placed reliance upon the judgment of this Court in ***Sher Singh vs. State of Haryana (CRM-M-11846-2023) decided on 09.03.2023*** wherein in identical facts and circumstances, the FIR registered under Section 174-A of the IPC against the petitioner was

quashed.

3. Learned State counsel has opposed the prayer made by the counsel opposite and contended that it was evident that the petitioner had intentionally not appeared during the proceedings before the Court below and hence, the prayer of the petitioner deserved to be declined.

4. Learned counsel appearing for respondent No.2-bank does not dispute the submissions made by learned counsel for the petitioner that the entire amount due has been paid by the petitioner to respondent No.2-bank and the execution petition has already been withdrawn by the bank.

5. Heard learned counsel for the parties and perused the relevant material on record.

6. Admittedly, the petitioner has paid the entire amount to respondent No.2-bank (Annexure P-2) in pursuance of which execution proceedings have already been withdrawn by respondent No.2-bank. Hence, continuation of criminal proceedings for offence under Section 174-A IPC would serve no useful purpose.

7. Accordingly, the present petition is allowed and FIR registered under Section 174-A IPC and all consequential proceedings arising therefrom are quashed, subject to payment of costs of ₹5,000/- to be deposited with Punjab and Haryana High Court Legal Services Committee within a period of two weeks which shall be a condition precedent.

19.04.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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