

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

(232)

CRM-M-9280-2022

Date of Decision: 03.02.2023

Anita and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Vijay Dahiya, Advocate, for the petitioners.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Mr. Rajat Mor, Advocate, for the complainant.

HARKESH MANUJA, J.(ORAL)

By way of present petition filed under Section 482 Cr.P.C., prayer has been made for quashing of the FIR No.0679 dated 22.11.2021 under Sections 174-A of IPC registered at P. S. Sonipat City, District Sonipat (Annexure P-1) along with all other subsequent proceedings arising therefrom.

The facts of the case are that in pursuance to a complaint filed under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter referred to as "the Act"), the petitioners were summoned by the Court of learned JMIC, Sonipat, however, on account of their non-appearance the petitioners were declared as proclaimed person vide order dated 27.10.2021 resulting into registration of FIR in question.

Learned counsel for the petitioners submits that having put in appearance in the proceedings under Section 138 of the Act at a later stage, the petitioners were granted concession of regular bail and the said complaint was withdrawn vide order dated 10.01.2022 on account of settlement arrived at between the parties in the daily Lok Adalat. Learned counsel further

submits that once the complaint under Section 138 of the Act, stands withdrawn and the petitioners having submitted to the jurisdiction of the Court, no useful purpose would be served by continuing with the proceedings arising out of the FIR in question which was recorded merely on account of their non-appearance before the concerned Court. 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 petitioners before the Court concerned in the proceedings under Section 138 of the Act, was wholly intentional and that too with a view to delay the proceedings. He further submits that merely withdrawal of proceedings under Section 138 of the Act, would not render the present proceedings arising out of the FIR in question to be illegal, thus, he opposes the prayer made in the present petition.

I have heard learned counsel for the parties and gone through the paper book and law cited at the bar.

I find that once the complaint under Section 138 of the Act already stands withdrawn by the complainant and entire amount stands paid to him, in particular when the petitioners even appeared before the trial Court no useful purpose is going to be served by continuing 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)**.

Accordingly, the petition is allowed. FIR No.0679 dated 22.11.2021 under Sections 174-A of IPC registered at P. S. Sonipat City,

District Sonipat (Annexure P-1) and all other subsequent proceedings arising therefrom are ordered to be quashed, subject to deposit of a sum of Rs.20,000/- by the petitioners 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.

(HARKESH MANUJA)
JUDGE

03.02.2023
anil

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