

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-11361-2023

Decided on:-11.05.2023

Lila Bai

....Petitioner

vs.

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr.Aman Priye Jain, Advocate,
for the petitioner.

Mr. Gaurav Bansal, DAG, Haryana.

HARKESH MANUJA J.

1. Prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of FIR No.1200, dated 16.08.2020, under Section 174-A IPC, registered at Police Station Shivaji Nagar, Gurugram.

2. Facts leading to the present case are that the petitioner was arrayed as an accused in a complaint titled as ***“M/s Djamila Agritech vs M/s Sri Ram Krishi”***, filed under Section 138 of the Negotiable Instruments Act, 1881 (for short' “1881 Act”) wherein, she was summoned. Since, the petitioner never received any summons, therefore, she could not appear before the trial court, resulting into her declaration as proclaimed person vide order dated 30.10.2019 passed by the court of learned Judicial Magistrate Ist Class, Gurugram. Accordingly, FIR in question, was registered against the petitioner under Section 174-A IPC on 16.08.2020.

Later, a settlement came to be arrived at between the parties as the petitioner discharged her liability by paying the entire cheque amount in favour of respondent No.2-complainant and in pursuance thereof, the complaint was dismissed as withdrawn, vide order dated 08.02.2023 passed by the court of learned JMIC, Gurugram.

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. Moreover, in compliance of order dated 19.04.2023 passed by this Court, the petitioner has already surrendered before the trial court and released on bail on her furnishing bail bonds/surety bonds. 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. Mr. Gautam Kaile, Advocate representing respondent No.2-complainant admits the factum of settlement arrived at between the parties against discharge of liability by the petitioner, having paid the entire cheque 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 dispute, no useful purpose is going to be served by carrying on with the proceedings arising out of the present FIR. Moreover, the petitioner has

already surrendered before the trial court and released on bail on her furnishing bail bonds/surety bonds. 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. FIR No.1200, dated 16.08.2020, under Section 174-A IPC, registered at Police Station Shivaji Nagar, Gurugram, is hereby quashed.

11.05.2023

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(HARKESH MANUJA)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/ No