

128

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-14178-2023****Decided on:-20.03.2023**

Ravi Chauhan

....Petitioner

vs.

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJAPresent: Mr. D.V. Dhindsa, Advocate,
for the petitioner.

Mr. Sumit Jain, Addl. A.G., Haryana.

HARKESH MANUJA J.

By way of present petition under Section 482 Cr.P.C., prayer has been made for quashing of FIR No.29, dated 12.02.2020, under Section 174-A IPC, registered at Police Station Shahzadpur, District Ambala, Haryana and all subsequent proceedings arising therefrom qua the petitioner.

The facts leading to the present case are that the petitioner was arrayed as an accused in a complaint under Section 138 of the Negotiable Instruments Act, 1881 (for short, "1881 Act") wherein, he failed to appear in pursuance to the summoning order dated 20.12.2016 passed by learned JMIC, Ambala and resultantly, he was declared as a proclaimed person vide order dated 27.10.2017. Accordingly, FIR in question, was registered against the petitioner under Section 174-A IPC. Thereafter, the petitioner appeared before the trial Court in the proceedings under Section 138 of the Act and

compromised the matter with the respondent-complainant and later on got anticipatory bail in the present FIR, from the court of learned Additional Sessions Judge, Ambala vide order dated 12.03.2020.

Learned counsel for the petitioner submits that in view of the facts and circumstances narrated herein above, wherein the petitioner had already appeared before the court of learned JMIC, Ambala and the proceedings under Section 138 of the Act already stands settled in terms of compromise (Annexure P-1) and even the entire amount stands paid by him to the complainant, no useful purpose would be served in 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-43995-2022, titled as "Amritpal Singh and another vs. State of Haryana", 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, Ambala in pursuance to summoning order was intentional with a purpose to delay the proceedings.

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

Once, the proceedings under Section 138 of the Act have already been settled in terms of compromise, no useful purpose is going to be served by carrying on with the proceedings arising out of the present FIR.

Even otherwise, the petitioner appeared before the trial court in the

proceedings under Section 138 of the 1881 Act and has even been granted anticipatory bail in the FIR under Section 174-A IPC, as such, his default stood condoned. The case of the petitioner is fully covered with the judgments passed by this Court in Amritpal Singh's case (supra), Satish Kumar's case (supra) and Ram Kumar Rana's case (supra).

Accordingly, the petition is allowed. Order dated 27.10.2017 along with FIR No.29 dated 12.02.2020 and all other subsequent proceedings arising therefrom are ordered to be quashed, subject to payment of costs of Rs.5,000/- to be deposited with the Punjab and Haryana High Court Association Lawyer's Family Welfare Fund having Account No.41564846387 with State Bank of India, High Court Branch, Chandigarh, within a period of two weeks from today.

20.03.2023
sonika

(HARKESH MANUJA)
JUDGE

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