

279

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-15534-2023 (O&M)

Date of decision: 20.07.2023

Sunil Kumar

....Petitioner

versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Nikhil Kaushik, Advocate for petitioner.

Mr. Karan Garg, AAG, Haryana.

Mr. Gurminder Singh, Advocate,
For respondent No.2.

ARUN MONGA, J. (ORAL)

The instant petition has been filed under Section 482 of Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') seeking quashing of FIR No.414 dated 25.12.2022 (Annexure P-1), registered under Section 174-A of the Indian Penal Code, 1860 (IPC), at Police Station, City Mohindergarh and subsequent proceedings arising out of said FIR in the light of the fact that matter stands settled as entire cheque amount of Rs.9,50,000/- was paid to the complainant/respondent No.2 in full and final settlement and complaint case stands dismissed as withdrawn vide order dated 10.02.2023 (Annexure P-3) passed by learned JMFC, Mohindergarh.

2. Learned counsel for the petitioner contends that matter stands settled as entire cheque amount has been paid to the complainant and complaint case under Section 138 NI Act has also been withdrawn vide order dated 10.02.2023 (Annexure P-3). He further contends that no useful purpose would be served by keeping the present proceedings pending.

3. Learned counsel for the complainant/respondent No.2 does not controvert the aforesaid submissions.

4. Learned State counsel opposes the prayer made and submits that order declaring petitioner as proclaimed person has rightly been passed. He further submits that the offence under Section 174A IPC is independent of the main case.
5. Arguments heard.
6. Very purpose of initiating proceedings under Section 174-A IPC is to ensure presence of petitioner in the trial. Since the petitioner has already paid the whole amount which is not controverted by complainant/respondent No.2, moreover complaint itself has been withdrawn by the complainant, trial itself is already stated to be concluded in view of the settlement, there is no requirement of petitioner to appear before learned trial Court any further. Present proceedings are thus rendered otiose.
7. In view of aforesaid, I see no grounds as to why further proceedings under Section 174-A IPC should continue as same would be an exercise in futility and wastage of precious time of learned Court below.
8. In the totality of circumstances, FIR No.414 dated 25.12.2022 (Annexure P-1), registered under Section 174-A IPC at Police Station, City Mohindergarh and subsequent proceedings arising out of said FIR are quashed in view of the aforesaid.
9. Petition is allowed accordingly.
10. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

20.07.2023

vandana

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No