

222 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-29416-2018 (O&M)
DATE OF DECISION:-30.05.2023

Rajesh Choudhary and another

...Petitioners.

Vs.

State of Haryana and another

...Respondents..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Vineet Sehgal, Advocate for
for the petitioners.

Mr. Gaurav Bansal, DAG, Haryana.

None for respondent No.2.

HARKESH MANUJA, J.

1. By way of present petition filed under Section 482 Cr.P.C., prayer has been made for quashing of order dated 17.03.2018 (Annexure P-3) passed by the court of learned Judicial Magistrate, Ist Class, Faridabad, whereby petitioners have been declared as proclaimed persons as well as the FIR No.191, dated 03.04.2018, under Section 174-A IPC, registered at Police Station Faridabad Kotwali, District Faridabad along with all subsequent proceedings arising therefrom qua the petitioners.

2. Facts leading to the present case are that on account of dishonour of cheque(s) amounting to Rs.9,65,000/-, the petitioners were arrayed as accused in a complaint filed under Section 138/141 read with Section 142 of the Negotiable Instruments Act, 1881 (for short, "1881 Act") wherein, they were summoned. Since, the summons were served at the old address, which they had already left, therefore, the petitioners could not appear before the

trial court, resulting into their declaration as proclaimed persons vide order dated 17.03.2018 passed by the court of learned Judicial Magistrate Ist Class, Faridabad. Accordingly, FIR in question, was registered against the petitioners under Section 174-A IPC. Later, a settlement came to be arrived at between the parties as the petitioners discharged their liability by paying the entire cheque(s) amount in favour of complainant-respondent No.2 and in pursuance thereof, the complaint under Section 138/141 of the 1881 Act, was withdrawn by complainant-respondent No.2 and complaint file was ordered to be consigned to the record room, vide order dated 21.04.2018 passed by the court of learned JMIC, Faridabad.

3. Learned counsel for the petitioners submits that once the main proceedings under Section 138 of the 1881 Act 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. In support, he relies upon judgments of this Court, passed in *CRM-M-16449-2018, titled as "Satish Kumar vs. State of Haryana and another"* and *CRMM-30911-2021, titled as "Ram Kumar Rana vs. State of Haryana and another"*.

4. On the other hand, learned State counsel opposes the prayer made on behalf of the petitioners while submitting that the non-appearance of the petitioners before the court of learned JMIC, Faridabad in pursuance to summoning order was intentional, with a purpose to delay the proceedings.

5. Despite service, no one has put in appearance on behalf of respondent No.2.

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

7. Once, the complaint under Section 138 of the 1881 Act, already

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stands withdrawn by complainant-respondent No.2 in the year 2018 on having received the entire cheque amount in dispute, no useful purpose is going to be served by carrying on with the proceedings arising out of the present FIR. Even otherwise, the case of the petitioners is fully covered with the judgments passed by this Court in *Satish Kumar's* case (supra) and *Ram Kumar Rana's* case (supra).

8. Accordingly, the petition is allowed. Order dated 17.03.2018 passed in complaint bearing No.1762 dated 25.01.2017 along with FIR No.191, dated 03.04.2018, under Section 174-A IPC, registered at Police Station Faridabad Kotwali, District Faridabad and all other subsequent proceedings arising therefrom are ordered to be quashed qua the petitioners.

9. The aforesaid order is subject to payment of costs of Rs.20,000/- to be deposited with the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh, within a period of three weeks from today.

30.05.2023
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(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No