

CRM-M-19838-2023 (O&M)

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

CRM-M-19838-2023 (O&M)

Date of Decision: May 15, 2023

RAJESH KUMAR

..... Petitioner

Versus

STATE OF HARYANA AND ANOTHER

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sahej Mahajan, Advocate
Mr. Manik Sharma, Advocate for the petitioner.
Mr. Gaurav Bansal, DAG, Haryana.
Mr. Chirag Suri, Advocate for respondent No.2.

HARKESH MANUJA, J.**CRM-19437-2023**

Prayer in this application is for placing on record the documents Annexures P-6 to P-14 and for exemption from filing original/certified copies of the said annexures.

Application is allowed as prayed for. Documents are taken on record. Be tagged at appropriate place.

Main case

1. By way of present petition filed under Section 482 CrPC, prayer has been made for seeking quashing of FIR No.454 dated 31.03.2018, under Section 174-A IPC, at Police Station City Panipat, lodged upon the instructions of Ld. Judicial Magistrate Ist Class, Panipat vide order dated 14.03.2018, whereby the petitioner was declared as proclaimed person.
2. Facts of the case are that on account of dishonour of cheque bearing No.547339 dated 01.06.2016, a complaint bearing CIS

No.NACT-1846-2016, titled as "**Balraj vs. Rajesh Kumar**" under Section 138/142 of Negotiable Instruments Act, 1881 came to be filed against the petitioner, wherein he was summoned. Since, the petitioner was not served, therefore, he could not appear before the trial court, resulting into his declaration as proclaimed person vide order dated 14.03.2018 passed by the Court of Ld. Judicial Magistrate Ist Class, Panipat followed by registration of FIR No. 454 dated 31.03.2018, under Section 174-A IPC, registered at Police Station City Panipat. Later, a settlement came to be arrived at between the parties as the petitioner discharged his liability by paying the entire cheque amount in favour of respondent No.2-complainant and in pursuance thereof, the complaint was disposed of in terms of compromise and accused stand acquitted, vide order dated 30.08.2018 passed by the court of learned JMJC, Panipat.

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. 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. Chirag Suri, 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

CRM-M-19838-2023 (O&M)**--3--**

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 disposed of in terms of compromise by the complainant on having received the full and final settlement of the monetary transaction pertaining to cheque 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 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.454, dated 31.03.2018, under Section 174-A IPC, registered at Police Station City Panipat as well as order dated 14.03.2018 along with all other subsequent proceedings arising therefrom are hereby quashed.

8. The aforesaid order is subject to payment of cost of Rs.5000/- to be paid to the Punjab and Haryana High Court Bar Association, within a period of two weeks from today.

15.05.2023

Tejwinder/sonika

(HARKESH MANUJA)**JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>