

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-24019-2023

Decided on:-11.05.2023

Jatinder

....Petitioner

vs.

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Pankaj Bali, Advocate,
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

HARKESH MANUJA J.

1. Prayer in the present petition filed under Section 482 is for quashing of FIR No.635, dated 22.04.2023, under Section 174-A IPC, registered at Police Station Karnal Civil Lines, Karnal (Annexure P-1) and subsequent proceedings arising therefrom..

2. The facts leading to the present case are that on account of dishonour of cheque bearing No.806707 dated 24.09.2019, amounting to Rs.55,000/-, the petitioner was arrayed as an accused in a complaint bearing CIS No.NACT-4684-2019, titled as "***Ravinder Kumar vs. Jitender***", filed under Section 138 of the Negotiable Instruments Act, 1881 (for short' "1881 Act") wherein, he was summoned. Since, the petitioner was not aware of the proceedings pending against him, therefore, he could not appear before the

trial court, resulting into his declaration as proclaimed person vide order dated 22.11.2022. Accordingly, FIR in question, was registered against the petitioner under Section 174-A IPC on 22.04.2023. 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entire cheque amount in favour of respondent No.2-complainant and in pursuance thereof, the complaint was dismissed as withdrawn, vide order dated 05.05.2023 passed by learned JMIC, Karnal.

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. Ravinder Kumar, 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. 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.635 dated 22.04.2023, under Section 174-A IPC, Police Station Karnal Civil Lines, Karnal and all other subsequent proceedings arising therefrom are ordered to be quashed.

8. The aforesaid order is subject to payment of costs of Rs.10,000/- to be deposited with the Punjab and Haryana High Court Bar Association, within a period of two weeks from today.

11.05.2023

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(HARKESH MANUJA)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/ No