

CRM-M-28692-2023

2023:PHHC:080695
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129 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-28692-2023
DATE OF DECISION:-01.06.2023

Gurjesh Singh

...Petitioner.

Vs.

State of Haryana and another

...Respondents..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sandeep Singh Ghangas, Advocate,
for the petitioner.

HARKESH MANUJA, J.

1. By way of present petition filed under Section 482 Cr.P.C., prayer has been made for quashing of FIR No.0226, dated 21.07.2022, under Section 174-A IPC, registered at Police Station City Pehowa, District Kurukshetra along with all subsequent proceedings arising therefrom qua the petitioner.

2. The facts leading to the present case are that on account of dishonour of cheque amounting to Rs.4,60,000/-, the petitioner was arrayed as an accused in a complaint filed under Section 138/142 of the Negotiable Instruments Act, 1881 (for short, "1881 Act") wherein, he was summoned. Since, the petitioner was never served, he could not appear before the court, resulting into his declaration as proclaimed person vide order dated 03.01.2022 passed by the court of learned Sub Divisional Judicial Magistrate, Pehowa. Accordingly, FIR in question, was registered against the petitioner under Section 174-A IPC. 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amount in favour of complainant and in pursuance thereof, the complaint under Section 138/142 of the 1881 Act, was withdrawn by complainant and complaint file was ordered to be consigned to the record room, vide order dated 29.09.2022 passed by the court of learned Sub Divisional Judicial Magistrate Ist Class, Pehowa. Moreover, the petitioner has already been granted the concession of regular bail in the present FIR vide order dated 21.07.2022 passed by the trial court.

3. At the outset, learned counsel for the petitioner submits that the presence of respondent No.2 may not be necessary for the adjudication of the petition in hand as the present FIR has been registered under Section 174-A of IPC whereas the complaint filed at the instance of complainant, invoking Section 138/142 of 1881 Act, already stands withdrawn by him vide order dated 29.09.2022.

4. Finding merits in the submission made on behalf of petitioner, name of respondent No.2 is ordered to be deleted from the arrays of parties.

5. Learned counsel for the petitioner 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 **CRM-M-30911-2021, titled as “*Ram Kumar Rana vs. State of Haryana and another*”**.

6. Notice of motion.

7. Mr. R.K. Ambavta, AAG Haryana, who is present in Court accepts notice on behalf of the respondent-State and submits that the non-appearance of the petitioner before the court of learned SDJM, Pehowa in

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pursuance to summoning order was intentional, with a purpose to delay the proceedings.

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

9. Once, the complaint under Section 138 of the 1881 Act, already stands withdrawn by complainant 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 petitioner is fully covered with the judgments passed by this Court in *Satish Kumar's* case (supra) and *Ram Kumar Rana's* case (supra).

10. Accordingly, the petition is allowed. FIR No.0226, dated 21.07.2022, under Section 174-A IPC, registered at Police Station City Pehowa, District Kurukshetra and all other subsequent proceedings arising therefrom are ordered to be quashed qua the petitioner.

11. The aforesaid order is subject to payment of costs of Rs.5,000/- to be deposited with the Punjab and Haryana High Court Bar Clerk's Association, within a period of two weeks from today.

01.06.2023
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(HARKESH MANUJA)
JUDGE

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