

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

CRM-M-35824-2021 (O&M)

Decided on:-23.03.2023

M/s Ridaus Auto Components Pvt. Ltd. and others

....Petitioners

vs.

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Harkirat S. Jagdev, Advocate for
Mr. Aalok Jagga, Advocate for the petitioners.

Mr. R.K. Ambavta, AAG, Haryana.

None for respondent No.2.

HARKESH MANUJA J.

CRM-13693-2023

Prayer in this application is for placing on record order dated 17.03.2023 passed by learned Additional Sessions Judge, Panchkula (Annexure P-12).

Application is allowed as prayed for. Document (Annexure P-12) is taken on record. Be tagged at appropriate place.

Main case

By way of present petition under Section 482 Cr.P.C., prayer has been made for quashing of order dated 14.01.2020 passed by the court of learned Judicial Magistrate, Ist Class, Panchkula, whereby petitioners have been declared as proclaimed offender and FIR No.217, dated 20.03.2020, under Section 174-A IPC, registered at Police Station Sector 5, Panchkula as well as all subsequent proceedings arising therefrom qua the petitioners.

The facts leading to the present case are that on account of dishonour of cheque bearing No.000111, dated 01.04.2016, the petitioners were arrayed as an accused in a complaint under Section 138 read with Section 142 of the Negotiable Instruments Act, 1881 (for short, "1881 Act") wherein, they failed to appear in pursuance to the summoning order dated 01.10.2016 passed by learned JMIC, Panchkula and resultantly, were declared as proclaimed persons vide order dated 14.01.2020 (Annexure P-6). 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 much more than the cheque amount in favour of respondent No.2-complainant and in pursuance thereof, the complaint under Section 138 of the 1881 Act, was withdrawn by respondent No.2-complainant and complaint file was ordered to be consigned to the record room, vide order dated 10.05.2021 passed by learned JMIC, Panchkula. Thereafter, the petitioner was granted anticipatory bail in the present FIR, from the court of learned Additional Sessions Judge, Panchkula, vide order dated 17.03.2023 (Annexure P-12).

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, learned counsel for the petitioners 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".

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On the other hand, learned State counsel submits that the non-appearance of the petitioners before the court of learned JMIC, Panchkula in pursuance to summoning order was intentional, with a purpose to delay the proceedings.

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

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

Once, the complaint under Section 138 of the 1881 Act, already stands withdrawn by complainant-respondent No.2 on having received more than the 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).

Accordingly, the petition is allowed. Order dated 14.01.2020 passed in complaint bearing No.NACT-673-2016 along with FIR No.217, dated 20.03.2020, under Section 174-A IPC, registered at Police Station Sector 5, Panchkula and all other subsequent proceedings arising therefrom are ordered to be quashed qua the petitioners.

The aforesaid order is subject to payment of costs of Rs.20,000/- to be deposited with the Punjab and Haryana High Court Bar Association, within a period of two weeks from today.

23.03.2023

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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/ No