

CRM-M No.35786 of 2023 (O&M)

2023:PHHC:157604

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

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**CRM-M No.35786 of 2023 (O&M)
Date of Decision: 08.12.2023**

PARVEEN KUMAR**.....Petitioner****Vs****STATE OF HARYANA AND ANOTHER****....Respondents****CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA**

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

Mr. Viney Phogat, D.A.G., Haryana.

Mr. Sikandh Mehta, Advocate
for respondent No.2.

HARKESH MANUJA, J. (Oral)

[1]. By way of present petition under Section 482 Cr.P.C., prayer has been made for quashing of FIR No.946, dated 12.12.2022, registered under Section 174-A IPC at Police Station Hansi City, District Hisar (Annexure P-1) along with all subsequent proceedings arising therefrom *qua* the petitioner.

[2]. Briefly stating, on account of dishonour of cheque amounting to Rs.10,00,000/- (Rupee Ten Lakhs only), petitioner was arrayed as an accused in a complaint filed under Section 138/142 of the Negotiable Instruments Act, 1881 (hereinafter to be referred as 'the N.I. Act') wherein, he was summoned vide order dated 05.03.2020 passed by the Sub-Divisional Judicial Magistrate, Hansi. Since, the petitioner was never served, therefore, he could not appear before the court, resulting into his declaration as proclaimed person vide order dated 01.12.2022 passed by the Judicial Magistrate Ist Class, Hansi. 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 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amount in favour of complainant and in pursuance thereof, the complaint under Section 138/142 of the 1881 Act, was withdrawn by complainant and complaint file was ordered to be consigned to the record room, vide order dated 17.12.2022 passed by the Presiding Officer, Daily Lok Adalat, Hansi. Moreover, a compromise dated 19.07.2023 entered into between the parties has also been attached with the petition as Annexure P-5.

[3]. Learned counsel for the petitioner submits that once the main proceedings under Section 138 of the N.I. 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 No.16449 of 2018** titled as **“Satish Kumar vs. State of Haryana and another”** and **CRM-M No.30911 of 2021**, titled as **“Ram Kumar Rana vs. State of Haryana and another”**.

[4]. Learned counsel for respondent No.2 also admits the factum of compromise between the parties and withdrawal of complaint under Section 138 of the N.I. Act by the complainant on having received the entire cheque amount in question.

[5]. On the other hand, learned State counsel submits that the non-appearance of the petitioner before the Judicial Magistrate Ist Class, Hansi in pursuance to summoning order was intentional, with a purpose to delay the proceedings.

[6]. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made by learned counsel for the petitioner.

[7]. 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 petitioner is fully covered with the judgments passed by this Court in Satish Kumar and Ram Kumar Rana's cases (supra).

[8]. Accordingly, the petition is allowed. FIR No.946, dated 12.12.2022, registered under Section 174-A IPC at Police Station Hansi City, District Hisar (Annexure P-1) along with all subsequent proceedings arising therefrom *qua* the petitioner is hereby quashed.

[9]. The aforesaid order is however subject to payment of cost(s) of Rs.10,000/- to be deposited by the petitioner with the Punjab and Haryana High Court Association Bar Association Diagnostic Centre, Chandigarh having Account No.41564846387 with State Bank of India, High Court Branch (IFSC-SBIN0050306), Chandigarh, within a period of two weeks from today.

[10]. All pending application(s), if any, shall stand disposed of.

December 08, 2023

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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No