

CRM-M-36293-2023 (O&M)

130

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-36293-2023 (O&M)

Date of decision: July 27, 2023

Vidur Wadhwa

....Petitioner

versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Ms. Pallavi Babbar, Advocate for petitioner.

Mr. Karan Garg, AAG Haryana.

ARUN MONGA, J. (ORAL)

The instant petition has been filed under Section 482 of Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') seeking quashing of FIR No.228 dated 31.03.2017, registered under Section 174-A of the Indian Penal Code, 1860 (IPC), at Police Station, Civil Lines, Karnal and all subsequent proceedings.

2. Learned counsel for the petitioner submits that petitioner had purchased 6 tyres and tubes etc. from complainant vide invoice No.153 dated 04.04.2016 for an amount of Rs.1,25,000/- on credit. In order to discharge his financial liability, petitioner issued cheque dated 04.04.2016 amounting to Rs.1,25,000/-, but the same was dishonored and returned on 07.04.2016 with remarks "Funds Insufficient". Complainant served legal notice dated 29.04.2016 and thereafter, complainant filed complaint dated 06.06.2016 (Annexure P-4), in this regard.

2.1. Learned counsel contends that on 16.11.2016, petitioner could not appear before trial Court and was declared a proclaimed person and further, FIR in question was also registered against him. On 30.03.2017, petitioner paid the entire cheque amount to the complainant. Pursuant thereto, vide order dated 08.04.2017 (Annexure P-3), complaint was withdrawn. He further submits that in view of the compromise arrived between the parties and entire cheque amount having already been paid to the

CRM-M-36293-2023 (O&M)

complainant, FIR in question is liable to be quashed. He further contends that no useful purpose would be served by keeping the present proceedings pending.

3. Heard.
4. Very purpose of initiating proceedings under Section 174-A IPC is to secure the presence of petitioner in the trial. Since trial itself is already stated to be concluded in view of the statement dated 30.03.2017 regarding compromise between the parties suffered by the complainant before learned Court below and pursuant thereto, complaint was withdrawn vide order dated 08.04.2017 (Annexure P-3), there is no requirement of petitioner to appear before learned trial Court any further. Proceedings to secure his presence are thus rendered otiose.
5. In view of aforesaid, I see no grounds as to why further proceedings should continue as same would be an exercise in futility and wastage of precious time of learned Court below.
6. In the totality of circumstances, impugned FIR No.228 dated 31.03.2017, registered under Section 174-A of IPC, at Police Station, Civil Lines, Karnal and all subsequent proceedings are quashed.
7. Petition is allowed accordingly.
8. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

July 27, 2023
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No