

CRM-M-39429-2023

2023:PHHC:157554

--/--

272 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-39429-2023

DATE OF DECISION:-05.12.2023

Kavita Aggarwal

...Petitioner.

Vs.

State of Punjab and another

...Respondents..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sandeep Arora, Advocate,
for the petitioner.

Mr. G.S. Dhillon, AAG, Punjab.

Mr. Abhishek Bhardwaj, Advocate,
for respondent No.2.

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.50, dated 16.05.2019, under Section 174-A IPC, registered at Police Station Navi Baradari, Jalandhar (Annexure P-3) 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 bearing No.095443 dated 11.02.2016, amounting to Rs.2,00,000/-, drawn on HDFC Bank, Jalandhar, the petitioner was arrayed as an accused in a complaint filed under Section 138 of the Negotiable Instruments Act, 1881 (for short, "1881 Act") wherein, she was summoned vide order dated 25.04.2016. Since, the petitioner was never served, she could not appear before the court, resulting into her declaration as

proclaimed person vide order dated 29.04.2017 passed by the court of

CRM-M-39429-2023

learned Judicial Magistrate Ist Class, Jalandhar. 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 her liability by paying the entire cheque amount in favour of complainant and in pursuance thereof, the complaint under Section 138 of the 1881 Act, was withdrawn by complainant and complaint file was ordered to be consigned to the record room, vide order dated 31.07.2023 passed by the court of learned Judicial Magistrate Ist Class, Jalandhar. Moreover, the petitioner has already been granted the concession of bail in the present FIR vide order dated 08.07.2019 passed by the Court of Additional Sessions Judge, Jalandhar as well as in the proceedings under Section 138 of the 1881 Act, vide order dated 26.10.2018 passed by Judicial Magistrate Ist Class, Jalandhar.

3. 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 would 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”***.

4. On the other hand, learned State counsel opposes the prayer made in the present petition while submitting that the non-appearance of the petitioner before the court of learned Judicial Magistrate Ist Class, Jalandhar in pursuance of summoning order was intentional, with a purpose to delay the proceedings.

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

CRM-M-39429-2023

paper book.

6. 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).

7. Accordingly, the petition is allowed. FIR No.50, dated 16.05.2019, under Section 174-A IPC, registered at Police Station Navi Baradari, Jalandhar and all other subsequent proceedings arising therefrom are ordered to be quashed qua the petitioner.

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 Clerk's Association, within a period of two weeks from the date of receipt of certified copy of this order.

05.12.2023
sonika

(HARKESH MANUJA)
JUDGE

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