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

CRM-M-42477-2022

Decided on:-13.01.2023

Javed Ali @ Javed Khan

....Petitioner

vs.

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. S.S. Dinarpur, Advocate with
Mr. Arvind Singh, Advocate and
Mr. Aman Godara, Advocate,
for the petitioner.

Mr. Vijesh Sharma, Additional Advocate General, Haryana,
for respondent No.1-State.

HARKESH MANUJA J.

By way of present petition under Section 482 Cr.P.C., prayer has been made for quashing of FIR No.1550, dated 23.10.2017, under Section 174-A IPC, registered at Police Station Jagadhri City, District Yamuna Nagar and all subsequent proceedings arising therefrom qua the petitioner.

Brief facts of the case are that on account of dishonour of cheque bearing No.005264 dated 20.01.2016, a complaint under Section 138 of the Negotiable Instruments Act, 1881 (for short, "Act") was filed against the petitioner on 05.05.2016, wherein, he was ordered to be summoned. It is further averred that despite service, petitioner failed to appear before the trial court, therefore, proceedings under Section 82 Cr.P.C. were carried out against the petitioner. After the expiry of statutory period of 30 days from

the date of affixation of proclamation, when the petitioner failed to appear before the trial court, he was declared as a proclaimed person vide order dated 03.10.2017 passed by learned Judicial Magistrate Ist Class, Yamuna Nagar at Jagadhri, resulting into registration of present FIR No.1550 dated 23.10.2017, against him under Section 174-A IPC. Subsequently, the petitioner got bail in the present FIR case on 01.11.2019. During the pendency of complaint, the matter was compromised between the parties, on the basis of which, complaint under Section 138 of the Act, was dismissed as withdrawn, vide order dated 03.03.2020 passed by the court of learned Judicial Magistrate Ist Class, Yamuna Nagar at Jagadhri.

Learned counsel for the petitioner submits that once the proceedings under Section 138 of the Act have already come to an end and even the entire amount has been paid to the complainant, 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 petitioner 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”.

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

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

Once, the complaint under Section 138 of the Act already

stands withdrawn by the complainant and entire amount has been paid to him, 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).

Accordingly, the petition is allowed. Order dated 30.10.2017 along with FIR No.1550 dated 23.10.2017 and all other subsequent proceedings arising therefrom are ordered to be quashed, subject to deposit of a sum of Rs.10,000/- by the petitioner within a period of two weeks from today in the following account:-

Account Name – Punjab and Haryana High Court Bar
Association Lawyer's Family Welfare Fund
Account No.-41564846387
Bank Name- SBI High Court Branch.

13.01.2023
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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/ No