

In the High Court for the States of Punjab and Haryana at
Chandigarh

CRM-M-42473-2022

Date of Decision: *February 22, 2023*

Suraj Kumar

... Petitioner

Versus

State of Haryana and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. R.K. Bhatia, Advocate,
for the petitioner.

Mr. Surinder Kumar Dagar, DAG, Haryana.

None for respondent No.2.

Vivek Puri, J.

The petitioner is seeking to quash the order dated 01.08.2022 passed by the Court of learned Judicial Magistrate First Class, Sirsa in Complaint No. NACT-1069-2018 dated 10.08.2018 titled as "The Sirsa Central Co-op Bank vs. Suraj Kumar" vide which the petitioner has been declared proclaimed person, as well as, the FIR bearing No. 0652 dated 17.08.2022, under Section 174-A of the Indian Penal Code (for short 'IPC'), registered at Police Station Civil Line Sirsa, District Sirsa.

I have heard learned counsel for the parties and perused the record.

Learned counsel for the petitioner contends that the respondent no.2 has instituted a complaint under

Section 138 of the Negotiable Instruments Act (for short 'the Act') (Annexure P-1) on the allegations that the petitioner had issued a cheque for a sum of Rs. 68,400/- in favour of the respondent No.2. On presentation, the same has been dishonoured with the remarks "Insufficient Fund". The petitioner has been summoned by the learned trial Court in terms of the order dated 20.05.2019 (Annexure P-3). At the earlier instance, the notice was issued to the petitioner and subsequently, his non-bailable warrants were issued. The petitioner has been declared as proclaimed person in terms of order dated 01.08.2022 (Annexure P-2). The directions were also issued to register an FIR against the petitioner under Section 174-A IPC. Consequently, the FIR bearing No. 0652, dated 17.08.2022, under Section 174-A IPC (Annexure P/7) has been registered against the petitioner at Police Station Civil Line Sirsa, District Sirsa. The petitioner had deposited a sum of Rs. 70,000/- with the respondent no.2 on 31.01.2020 vide pay-in-slip (Annexure P-6). The dispute has been amicably settled and the account of the petitioner with respondent no.2-Bank has been regularized. In terms of the interim directions issued by the Court, the petitioner has also surrendered before the learned trial Court and has been admitted on bail. It has been further submitted that the matter with regard to the deposit of Rs. 70,000/- was brought to the notice of the trial Court and in

terms of order dated 29.09.2022, copy whereof has been placed on record, the complaint was dismissed as withdrawn. It has been further submitted that the amount of Rs. 70,000/- was deposited on 31.01.2020 and the warrants of arrest of the petitioner had been issued at a subsequent stage. The respondent no.2 never brought to the notice of the Bank at the earlier instance with regard to the deposit made by the petitioner and regularization of the account. As the complaint under Section 138 of the Act has been dismissed as withdrawn, the proceedings initiated against the petitioner under Section 174-A IPC are liable to be quashed.

The learned State counsel has contended that the case under Section 174-A IPC has been registered in pursuance of the directions issued by the trial Court.

As per office note, the respondent no.2 has been served, but none has appeared on its behalf.

It is significant to note that the complaint has been withdrawn by the respondent no.2.

A co-ordinate bench of this Court in **CRM-M-43813-2018** titled as “**Baldev Chand Bansal vs. State of Haryana and another**”, decided on **29.01.2019** has held as under:-

“Learned counsel for the petitioner has relied upon the decisions rendered by this Court in “

Vikas Sharma vs. Gurpreet Singh Kohli and another (supra), 2017, (3) L.A.R.584, Microqual Techno Limited and others Vs. State of Haryana and another, 2015 (32) RCR (Crl.) 790 and “Rajneesh Khanna Vs. State of Haryana and another” 2017(3) L.A.R. 555 wherein in an identical circumstance, this Court has held that since the main petition filed under Section 138 of the Act stands withdrawn in view of an amicable settlement between the parties, therefore, continuation of proceedings under Section 174A of IPC shall be nothing but an abuse of the process of law.”

The dispute with regard to the dishonor of the cheque has been amicably settled between the parties and the complaint has been dismissed as withdrawn. Consequently, it shall be appropriate to quash the order vide which the petitioner has been declared proclaimed person and the FIR, which has been registered under Section 174-A IPC to put a quietus to the entire matter.

Keeping in view the aforesaid facts and circumstances emerging in the instant case and in the ends of justice, the petition is allowed and the order dated 01.08.2022 passed by the Court of learned Judicial Magistrate First Class, Sirsa in Complaint No. NACT-1069-2018 dated 10.08.2018 titled as “The Sirsa Central Co-op Bank vs. Suraj Kumar” vide which the petitioner has been declared proclaimed person is set aside and FIR bearing No.

0652 dated 17.08.2022, under Section 174-A IPC, registered at Police Station Civil Line Sirsa, District Sirsa along with consequential proceedings is quashed.

February 22, 2023
vk

(Vivek Puri)
Judge

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