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

**CRM-M-42694-2022
Decided on:-09.01.2023**

Vipan Kumar and others

....Petitioners

vs.

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Vishal Sharma, Advocate,
for the petitioners.

Mr. Vijesh Sharma, Additional Advocate General, Haryana.

Mr. Amarjeet, Advocate for
Mr. Vaibhav Jain, Advocate,
for respondent No.2.

HARKESH MANUJA J.

Prayer in the present petition is for quashing of FIR No.1189,
dated 03.12.2018, under Section 174-A IPC, registered at Police Station
Hisar Sadar, District Hisar.

The facts leading to the present case are that the petitioners
were arrayed as accused in a complaint case titled as “M/s Yadvi Packers vs.
KSM Spinning Mills Ltd. and others”, filed under Section 138/147 of the
Negotiable Instruments Act, 1881 (as amended upto date) (for short' “Act”)
wherein, they failed to appear in pursuance to the summoning order passed
by learned JMIC, Hisar and resultantly, were declared as proclaimed
person. Accordingly, FIR in question, was registered against the petitioners

under Section 174-A IPC. Later, a settlement came to be arrived at between the petitioners and the complainant and as an effect thereof, the complaint filed under Section 138 of the Act was ordered to be dismissed as withdrawn by the Presiding Officer, National Lok Adalat-cum-Judicial Magistrate Ist Class, Hisar on 12.03.2022.

Learned counsel for the petitioners submits that once the main proceedings under Section 138 of the 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, learned counsel for the petitioners relies upon judgment 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 he does not intend to file any reply to the present petition and has argued the matter, opposing the prayer. However, learned counsel for respondent No.2 does not dispute the factum of compromise and submits that he has no objection, in case, FIR is quashed.

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Once, the complaint under Section 138 of the Act already stands withdrawn by the complainant on having received the amount in dispute, no useful purpose is going to be served by carrying on with the proceedings arising out of the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 petitioners is fully covered with the judgment passed by this Court in Satish.

Kumar's case (supra) and Ram Kumar Rana's case (supra).

Accordingly, the petition is allowed. Order dated 02.05.2018 along with FIR No.1189 dated 03.12.2018 and all other subsequent proceedings arising therefrom are ordered to be quashed, subject to deposit of a sum of Rs.10,000/- by the petitioners 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.

09.01.2023
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(HARKESH MANUJA)
JUDGE

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