

CRM-M-42109-2023

2023:PHHC:165676

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263 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-42109-2023

DATE OF DECISION:-19.12.2023

Gurpreet Singh

...Petitioner.

Vs.

State of Punjab and another

...Respondents..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Barjinder Singh, Advocate,
for the petitioner.

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

Mr. Neeraj Kumar, Advocate for
Mr. Hardeep Singh Dhillon, Advocate,
for respondent No.2.

HARKESH MANUJA, J. (Oral)

1. By way of present petition filed under Section 482 Cr.P.C., prayer has been made for quashing of FIR No.210, dated 24.07.2023, under Section 174-A IPC, registered at Police Station City Rajpura, District Patiala (Annexure P-2) along with all subsequent proceedings arising therefrom on the basis of withdrawal of main complaint bearing No.COMA-449-2019, titled as *“Navjot Kumar vs. Gurpreet Singh”* under Section 138 of the Negotiable Instruments Act, 1881 (for short, 1881 Act).

2. The facts leading to the present case are that on account of dishonour of cheque bearing No.826930 dated 10.05.2019, amounting to Rs.29,000/- drawn on Indian Overseas Bank, Branch Urban Estate, Patiala, the petitioner was arrayed as an accused in aforementioned complaint

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wherein, he was summoned. But, the petitioner never appeared before the the learned Trial Court, resulting into his declaration as proclaimed person vide order dated 12.05.2023, followed by registration of aforementioned FIR. Later, a settlement came to be arrived at between the parties as the petitioner discharged his 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cheque amount in favour of complainant and in pursuance thereof, the complaint under Section 138 of the 1881 Act, was withdrawn by the complainant and order dated 12.05.2023, vide which, the accused Gurpreet Singh was declared as proclaimed offender, was recalled, vide order dated 03.08.2023 passed by the court of Judicial Magistrate Ist Class, Rajpura.

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 submits that the non-appearance of the petitioner before the court of learned JMJC, Rajpura in pursuance to summoning order was intentional, with a purpose to delay the proceedings.

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

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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.210, dated 24.07.2023, under Section 174-A IPC, registered at Police Station City Rajpura, District Patiala (Annexure P-2) along with all subsequent proceedings arising therefrom, are hereby quashed qua the petitioner.

19.12.2023
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(HARKESH MANUJA)
JUDGE

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