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

**CRM-M-51816-2021
Decided on:-11.01.2023**

Jagdish Chander @ Jagdish Chand

....Petitioner

vs.

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Amandeep Singh Manaise, Advocate,
for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

HARKESH MANUJA J. (Oral)

By way of present petition under Section 482 Cr.P.C., prayer has been made for quashing of FIR No.9, dated 07.02.2018, under Section 174-A IPC, registered at Police Station City Fazilka, District Fazilka and all subsequent proceedings arising therefrom qua the petitioner.

Brief facts of the case are that on account of dishonour of cheque bearing No.332243 dated 25.06.2015, a complaint under Section 138 of the Negotiable Instruments Act, 1881 (for short, "Act") was filed against the petitioner on 24.06.2015, wherein, he was summoned vide order dated 02.09.2015 passed by learned Chief Judicial Magistrate, Fazilka. Thereafter, on 02.05.2017, on account of non-appearance before the trial court, the petitioner was declared as a proclaimed person, resulting into registration of present FIR against him under Section 174-A IPC.

Subsequently, the petitioner got anticipatory bail in the present FIR, from the court of learned Sessions Judge, Fazikla vide order dated

28.03.2018 and appeared before the trial Court in the proceedings under Section 138 of the Act, wherein, he was granted regular bail.

Upon trial, the petitioner was convicted under Section 138 of the Act by the court of learned JMIC, Fazilka vide judgment dated 26.07.2018. Aggrieved against the same, the petitioner filed first appeal before the learned Sessions Judge, Fazilka, wherein, the matter was referred before the National Lok Adalat for the purpose of exploring the possibility of settlement between the parties. Parties entered into a settlement before the Lok Adalat by making their statements on 25.11.2020 and based thereupon, the petitioner was acquitted vide judgment dated 12.12.2020, having paid the entire cheque amount in favour of the complainant therein.

Learned counsel for the petitioner submits that in view of the facts and circumstances narrated herein above, wherein the petitioner had already appeared before the court of learned JMIC, Fazilka and the proceedings under Section 138 of the Act already stands settled in terms of compromise as well as the fact that the petitioner has already been acquitted vide order dated 12.12.2020 and even the entire cheque amount stands paid by him to the complainant therein before the appellate court, no useful purpose would be served in 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-43995-2022, titled as “Amritpal Singh and another vs. State of Haryana”, 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, Fazilka 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 proceedings under Section 138 of the Act have already been settled in terms of compromise and the petitioner has already been acquitted vide order dated 12.12.2020, no useful purpose is going to be served by carrying on with the proceedings arising out of the present FIR. Even otherwise, the petitioner appeared before the trial court and was granted regular bail, as such, his default stood condoned. The case of the petitioner is fully covered with the judgments passed by this Court in Amritpal Singh's case (supra), Satish Kumar's case (supra) and Ram Kumar Rana's case (supra).

Accordingly, the petition is allowed. Order dated 02.05.2017 along with FIR No.9 dated 07.02.2018 and all other subsequent proceedings arising therefrom are ordered to be quashed, subject to deposit of a sum of Rs.20,000/- 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.

11.01.2023
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(HARKESH MANUJA)
JUDGE

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