

111+206 **IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM-M-53562-2022 (O&M)
Decided on:-13.03.2023**

Balvinder Singh Petitioner

vs.

State of Haryana Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Kushager Goyal, Advocate,
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Mr. Brijesh Kumar, Advocate for
Ms. Pallavi Babbar, Advocate,
for the complainant.

HARKESH MANUJA J.

CRM-46056-2022

Application is allowed as prayed for. Order dated 26.11.2022 passed by learned JMIC/Presiding Officer, Sirsa (Annexure P-5) is taken on record, subject to all just exceptions. Be tagged at appropriate place.

Main case

Prayer in the present petition filed under Section 482 is for quashing of FIR No.953, dated 27.10.2022, under Section 174-A IPC, registered at Police Station Civil Line Sirsa, District Sirsa.

The facts leading to the present case are that on account of dishonour of cheques bearing No.015431 dated 15.02.2021, 001829 dated

30.03.2021 and cheque No.110710 dated 30.03.2021, the petitioner was arrayed as an accused in a complaint case bearing NACT No.946-2021, titled as “Suresh Kumar Goyal vs. Balvinder Singh”, filed under Section 138 of the Negotiable Instruments Act, 1881 (for short' “Act 1881”) wherein, he failed to appear in pursuance to the summoning order dated 01.12.2021 passed by learned JMIC, Sirsa and resultantly, was declared a proclaimed person vide order dated 26.08.2022. Accordingly, FIR in question, was registered against the petitioner under Section 174-A IPC. Later, a settlement came to be arrived at between the parties as the petitioner discharged his liability by paying the amount of cheques in favour of respondent No.2-complainant and in pursuance thereof, the complaint file was ordered to be consigned to the record room, vide order dated 26.11.2022 passed by learned JMIC/Presiding Officer, National Lok Adalat, Sirsa.

Learned counsel for the petitioner submits that once the main proceedings under Section 138 of the Act, 1881 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 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”.

Learned counsel for respondent No.2 also admits the factum of settlement arrived at between the parties against discharge of liability by the petitioner, having paid the due amount and thus, does not opposes the prayer made in the present petition.

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

Once, the complaint under Section 138 of the Act, 1881 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 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 26.08.2022 passed in complaint bearing No.NACT-946-2021 along with FIR No.953 dated 27.10.2022 and all other subsequent proceedings arising therefrom are ordered to be quashed.

The aforesaid order is subject to payment of costs of Rs.20,000/- to be deposited with the Punjab and Haryana High Court Association Lawyer's Family Welfare Fund having Account No.41564846387 with State Bank of India, High Court Branch, Chandigarh, within a period of two weeks from today.

13.03.2023
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(HARKESH MANUJA)
JUDGE

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