

CRM-M No.53996 of 2023 (O&M)

2023:PHHC:163316

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

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CRM-M No.53996 of 2023 (O&M)

Date of Decision: 19.12.2023

SAGAR MANOCHA**.....Petitioner****Vs****STATE OF HARYANA AND ANOTHERRespondents****CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA***

Present: Mr. Manjot Singh, Advocate for
Mr. Vishal Aggarwal, Advocate
for the petitioner.

Mr. Viney Phogat, D.A.G., Haryana.

None for respondent No.2.

HARKESH MANUJA, J. (Oral)

[1]. By way of present petition under Section 482 Cr.P.C., prayer has been made for quashing of FIR No.0020 dated 24.01.2022 registered under Section 174-A IPC at Police Station Sector-7 Panchkula (Annexure P-10) as well as order dated 23.09.2022 (Annexure P-15) passed by the Chief Judicial Magistrate, Panchkula arising out of case CNR No.HRPK03-000371-2022, Case No.CHI/45/2022 titled as '*State vs. Sagar Manocha*' along with all subsequent proceedings arising therefrom.

[2]. Briefly stating, petitioner was summoned under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter to be referred as 'the N.I. Act') in the complaint filed at the instance of the complainant. On account of non-appearance of petitioner, proceedings under Section 82 Cr.P.C. were ordered against the petitioner and as a consequence thereof, he was declared as proclaimed

person vide order dated 16.12.2021 passed by the Judicial Magistrate Ist Class, Panchkula (Annexure P-9), followed by registration of FIR No.0020 dated 24.01.2022 under Section 174-A IPC (Annexure P-10) against him. Later on, petitioner was admitted to bail vide order dated 07.02.2022 (Annexure P-12) passed by the Judicial Magistrate Ist Class, Panchkula, however, on account of his non-appearance, bail was cancelled and his bail bonds and surety bonds were forfeited to the State vide order dated 23.09.2022 passed by the Chief Judicial Magistrate, Panchkula.

[3]. Impugning the aforementioned order dated 23.09.2022 as well as FIR No.0020 dated 24.01.2022, learned counsel for the petitioner submits that no notice was ever served upon him properly and ultimately the proclamation under Section 82(1) Cr.P.C. was issued against him. He further points out that later, a settlement came to be arrived at between the parties as 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 N.I. Act read with Section 420 IPC, was withdrawn by complainant and complaint file was ordered to be consigned to record room, vide order dated 27.09.2023 passed by the Judicial Magistrate First Class, Panchkula (Annexure P-14).

[4]. Learned counsel further submits that once the main proceedings under Section 138 of the N.I. Act 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, he relies upon judgments of this Court, passed in **CRM-M No.16449 of 2018** titled as **“Satish Kumar vs. State of Haryana and another”**

and CRM-M No.30911 of 2021, titled as “Ram Kumar Rana vs. State of Haryana and another”.

[5]. Notice of motion was issued on 23.10.2023 and the parties were directed to appear before the Illaqa Magistrate on 15.11.2023 to get their statements recorded qua the compromise. In pursuance thereof, a report dated 15.12.2023, has been received from the concerned court, stating that compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. No accused has been declared as proclaimed offender.

[6]. On the other hand, learned State counsel opposes the prayer made on behalf of petitioner while submitting that he was having knowledge of pendency of proceedings under Section 138 of the N.I. Act as well as summoning order, but he deliberately chose not to appear before the Trial Court resulting into his declaration as proclaimed person followed by registration of FIR against him.

[7]. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

[8]. 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 with the proceedings arising out of the present FIR. Even otherwise, the case of petitioner is fully covered with the judgments passed by this Court in Satish Kumar and Ram Kumar Rana's cases (supra). Moreover, petitioner was admitted on bail vide order dated 07.02.2022 passed by the Judicial Magistrate Ist Class, Panchkula, however, on account of his non-appearance, bail was cancelled and his bail bonds and surety

bonds were forfeited to the State vide order dated 23.09.2022 passed by the Chief Judicial Magistrate, Panchkula.

[9]. In view of discussion made hereinabove, the present petition is allowed. Consequently, the order dated 23.09.2022 passed by the Chief Judicial Magistrate, Panchkula whereby warrant of arrest has been issued against the petitioner is set aside. The FIR No.0020 dated 24.01.2022 registered under Section 174-A IPC at Police Station Sector-7, Panchkula, Haryana along with all consequential proceedings arising therefrom is also quashed.

December 19, 2023	(HARKESH MANUJA)
<i>Atik</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No