

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

**CRM-M-121-2023
Decided on:-06.01.2023**

Ramesh Bhai Jagat Bhai Solanki

....Petitioner

vs.

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

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

HARKESH MANUJA J.

Prayer in the present petition is for quashing of FIR No.761, dated 11.09.2022, under Section 174-A IPC, registered at Police Station Sirsa City, District Sirsa.

The facts leading to the present case are that the petitioner was arrayed as an accused in a complaint case No.599 of 2021, filed under Section 138 of the Negotiable Instruments Act, 1881 (for short' "Act") wherein, he failed to appear in pursuance to the summoning order dated 15.09.2021 passed by learned JMIC, Sirsa and resultantly, was declared a proclaimed person. Accordingly, FIR in question, was registered against the petitioner under Section 174-A IPC. Later, a settlement came to be arrived at between the petitioner 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complainant and as an effect thereof, the complaint filed under Section 138 of the Act was ordered to be dismissed as withdrawn by the court of learned JMIC, Sirsa on 29.09.2022.

Learned counsel for the petitioner 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 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”.

In response, Mr. Ramesh Kumar Ambavat, AAG, Haryana has put in appearance on behalf of the respondent-State. However, he does not intend to file any reply to the present petition and has argued the matter, opposing the prayer.

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Once, the complaint under Section 138 of the Act already stands withdrawn by the complainant on having received the amount in dispute, no useful purpose is going to be served by carrying on with the proceedings arising out of the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 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 23.08.2022 passed in CIS No.NACT-599-2021 along with FIR No.761 dated 11.09.2022 and all other subsequent proceedings arising therefrom are ordered to be quashed, subject to deposit of a sum of Rs.10,000/- 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.

06.01.2023
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(HARKESH MANUJA)
JUDGE

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