

CRM-M-61227-2023

2023:PHHC:157557

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120 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-61227-2023

DATE OF DECISION:-06.12.2023

Ranbir Singh

...Petitioner.

Vs.

State of Haryana

...Respondent..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

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

HARKESH MANUJA, J.

1. By way of present petition filed under Section 482 Cr.P.C., prayer has been made for quashing of FIR No.303, dated 19.08.2022, under Section 174-A IPC, registered at Police Station Nissing, District Karnal (Annexure P-3) along with all subsequent proceedings arising therefrom, whereby the petitioner was declared proclaimed person.

2. The facts leading to the present case are that on account of dishonour of cheque bearing No.003159 dated 02.12.2019, amounting to Rs.1,90,000/- drawn on Allahabad Bank, Branch at Nissing, District Karnal, the petitioner was arrayed as an accused in a complaint filed under Section 138/142 of the Negotiable Instruments Act, 1881 (for short, "1881 Act") wherein, he was summoned vide order dated 07.02.2020. But, due to some unavoidable circumstances, the petitioner could not appear before the Court, resulting into his declaration as proclaimed person vide order dated 04.07.2022 passed by the Court of Judicial Magistrate Ist Class, Karnal.

Accordingly, FIR in question, was registered against the petitioner under

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Section 174-A IPC. 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amount in favour of complainant and in pursuance thereof, the complaint under Section 138/142 of the 1881 Act, was withdrawn by the complainant and the petitioner, who was produced before the Trial Court, was ordered to be released from the custody, vide order dated 20.08.2022 passed by the court of Judicial Magistrate Ist Class, Karnal.

3. Learned counsel for the petitioner submits that once the main proceedings under Section 138/142 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. Notice of motion.

5. Mr. Krishan K. Chahal, Addl. A.G., Haryana, who is present in Court accepts notice on behalf of the respondent-State and submits that the non-appearance of the petitioner before the court of learned JMJC, Karnal in pursuance to summoning order was intentional, with a purpose to delay the proceedings.

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

7. Once, the complaint under Section 138/142 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 the petitioner is fully covered with the judgments

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passed by this Court in *Satish Kumar's* case (supra) and *Ram Kumar Rana's* case (supra).

8. Accordingly, the petition is allowed. FIR No.303, dated 19.08.2022, under Section 174-A IPC, registered at Police Station Nissing, District Karnal (Annexure P-3) along with all subsequent proceedings arising therefrom, including P.O. order dated 04.07.2022, are ordered to be quashed qua the petitioner.

9. The aforesaid order is subject to payment of costs of Rs.5,000/- to be deposited with the Punjab and Haryana High Court Bar Association, within a period of two weeks from the date of receipt of certified copy of this order.

06.12.2023

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(HARKESH MANUJA)
JUDGE

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