

CRM-M No.17622 of 2024

2024:PHHC:048116

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

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CRM-M No.17622 of 2024  
Date of Decision: 09.04.2024

VISHAL .....Petitioner

Vs

STATE OF HARYANA AND ANOTHER ....Respondents

CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA*

Present: Ms. Veena Hooda, Advocate  
for the petitioner.

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*HARKESH MANUJA, J. (Oral)*

[1]. By way of present petition filed under Section 482 Cr.P.C., prayer has been made for quashing of FIR No.474 dated 01.06.2022 registered under Section 174-A, IPC at Police Station Assandh, District Karnal (Annexure P-3) along with consequential proceedings arising out of the said FIR.

[2]. The FIR in question was registered against the petitioner in terms of order dated 22.03.2022 passed by the Judicial Magistrate Ist Class, Assandh, whereby he was declared as a proclaimed person in a complaint filed under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter to be referred as ‘N.I. Act’) against him.

[3]. Briefly stating, being implicated in the complaint under Section 138 of the aforesaid N.I. Act bearing NACT No.298 of 2019, petitioner was summoned therein; on account of his non-appearance, he was declared as proclaimed person vide order dated 22.03.2022 followed by registration of FIR under Section 174-A IPC against him.

[4]. Impugning the aforesaid, learned counsel for the petitioner submits that parties to the complaint under Section 138 of the N.I. Act, have entered into a settlement upon payment of dues at the instance of petitioner and the complaint now stands withdrawn vide order dated 09.03.2024 passed by the National Lok Adalat, Assandh (Annexure P-4).

[4]. Learned counsel further submits that once the main proceedings under Section 138 of the N.I. 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, she 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 to respondent No.1 only at this stage. No notice is required to be served upon respondent No.2/complainant as the matter already stands settled between petitioner and respondent No.2; which may even otherwise burden respondent No.2 towards unnecessary litigation expenses.

[6]. Upon advance notice, Mr. Chetan Sharma, D.A.G., Haryana accepts notice on behalf of the respondent/State and 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, thus the impugned FIR warrants no interference.

[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 N.I. 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).

[9]. In view of discussion made hereinabove, the present petition is allowed and the FIR No.474 dated 01.06.2022 registered under Section 174-A, IPC at Police Station Assandh, District Karnal along with consequential proceedings arising out of the said FIR is quashed *qua* the petitioner.

[10] The aforesaid order, however would be subject to deposit of cost(s) of Rs.2000/- by the petitioner with the Punjab and Haryana High Court Bar Clerks Association, Chandigarh within a period of 10 days from the date of receipt of certified copy of this order.

April 09, 2024  
Atik

(HARKESH MANUJA)  
JUDGE

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |