



121 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-24792-2024
DATE OF DECISION:-17.05.2024

Jitender Singh ...Petitioner.

Vs.

State of Haryana ...Respondent..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Santosh K. Maurya, Advocate,
for the petitioner.

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.452 dated 28.11.2023 registered under Section 174-A IPC at Police Station Sector-7, District Panchkula (Annexure P-1) along with all subsequent proceedings arising therefrom.
2. Having been summoned vide order dated 24.07.2019 passed by the Court of Judicial Magistrate Ist Class, Panchkula, in a complaint filed at the instance of complainant, the petitioner failed to appear, resulting into his declaration as proclaimed person vide order dated 05.10.2023. 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to be arrived at between the parties and in pursuance thereof, the complaint under Section 138 of the 1881 Act, was withdrawn by complainant and complaint file was ordered to be consigned

to the record room, vide order dated 15.12.2023 passed by the court of learned Judicial Magistrate Ist Class, Panchkula. Subsequently, petitioner surrendered himself before the trial court and was granted the concession of regular bail in the present FIR, however, on 06.02.2024, he could not appear before the trial Court, resulting into cancellation of his bail, followed by forfeiture of bail/surety bonds to the State, besides issuance of arrest warrants against him vide order dated 06.02.2024.

3. Learned counsel for the petitioner submits that the non-appearance of the petitioner before the Trial Court was not intentional rather the same has occurred due to noting down of wrong date. Even otherwise, once the main proceedings under Section 138 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 judgment of this Court, passed in **CRM-M-12034-2022, titled as “*Hitesh H. Shah vs. State of Haryana*”.**

4. Notice of motion.

5. Mr. Athar Ahmed, DAG, Punjab accepts notice on behalf of the respondent-State and opposes the prayer made in the present petition while submitting that the non-appearance of the petitioner before the court of learned Judicial Magistrate Ist Class, Panchkula was intentional, with a purpose to delay the proceedings, besides, it, he has misused the concession of regular bail earlier granted by the trial Court.

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

7. Once, the complaint under Section 138 of the 1881 Act, already stands withdrawn by complainant, 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 *Hitesh H. Shah’s* case (supra).

8. Accordingly, the petition is allowed. FIR No.452 dated 28.11.2023 registered under Section 174-A IPC at Police Station Sector-7, District Panchkula and all other subsequent proceedings arising therefrom are ordered to be quashed qua the petitioner.

17.05.2024
sonika

(HARKESH MANUJA)
JUDGE

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