

205

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.30573-2023 (O&M)
Date of decision: 21.02.2024

Anu Ahuja ... Petitioner

Versus

State of Haryana and another ...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Nakul Sharma, Advocate,
for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana,
for respondent No.1.

Mr. Vineet Sehgal, Advocate,
for respondent No. 2/complainant.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 of Code of Criminal Procedure, 1973 for quashing of FIR No. 351 dated 04.03.2022 under Section 174A of Indian Penal Code, 1860 (for short ‘the IPC’), registered at Police Station, Shivaji Nagar, District Gurugram (P-1) as well as other subsequent proceedings arising therefrom.

(2) Contends that matter has been amicably settled between the parties on the basis of statement made by respondent No.2/complainant on 21.04.2023. Complaint filed under Section 25 of the Payment and Settlement Act, 2007 (in short ‘the Act’) had been withdrawn on 21.04.2023 by respondent No.2/complainant; thus, pendency of the present FIR under

Section 174-A IPC would be nothing, but an abuse of process of law. Hence, the same be quashed.

(3) Learned State counsel opposes the prayer of the petitioner.

(4) Above factual position has been duly acknowledged by respondent No.2/complainant and raises no objection in case the present petition is allowed.

(5) Heard learned counsel for the parties and perused paper-book.

(6) Paper-book reveals that complaint No.20251 of 2017 titled as 'India Infoline Finance Limited Vs. Anu Ahuja' was filed under Section 25 of the Act as the petitioner had failed to re-pay the monthly instalment of Rs.8,98,322/- which was taken for business loan from respondent No.2/complainant. It is acknowledged by both sides that matter has been amicably settled between the parties and aforesaid complaint was dismissed as withdrawn vide order dated 21.04.2023 (P-5) passed by the JMIC. For reference, the order reads as under:-

"File received from record room. It be restored to its original number. The Ld. Counsel for the complainant has submitted an application for withdrawal has been filed. He has stated that he wants to withdraw the complaint by closing all the consequential proceedings against accused Anu Ahuja.

Heard. Perusal of file shows that accused Anu Ahuja was declared Proclaimed person on 02.07.2022. Warrants of attachment against accused were issued U/s 83 Cr.P.C and the main file was consigned to record room 02.07.2022. Today the main file has been summoned from record room and Ld. Counsel for the complainant has stated that he does not want to proceed further with the present complaint. Therefore, he has requested that the present complaint may be dismissed as withdrawn. His statement in this regard recorded separately. Heard.

In view of aforesaid statement, present complaint is hereby dismissed as withdrawn. File be consigned to record room after due compliance."

(7) Perusal of the aforesaid order reveals that statement of respondent No.2/complainant has been recorded. Since main case has already been dismissed as withdrawn on 21.04.2023; therefore, pendency of the criminal proceedings arising out of aforesaid FIR would not serve any purpose; rather, it shall consume valuable judicial time which can be utilized for a better cause.

(8) In view of the above, present petition is allowed; aforesaid FIR along with all consequential proceedings resulting therefrom are quashed qua the petitioner. However, as a deterrence for the future, petitioner will suffer with costs of Rs.20,000/- (Twenty Thousand only). Costs be deposited with Punjab and Haryana High Court Employees Welfare Association, A/C No. 37167209613, IFSC Code:SBIN0050306, State Bank of India, High Court Branch, Chandigarh.

(9) Pending application(s), if any, shall also stand disposed off.

21.02.2024
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No