

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

268

CRM-M No.35753 of 2023 (O&M)
Date of Decision: 31.01.2024

PARVEEN KUMARPetitioner

Vs

STATE OF HARYANA AND ANOTHERRespondents

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

Present: Mr. Pankaj Bali, Advocate
for the petitioner.

Mr. Gurmeet Singh, Asstt. A.G., Haryana.

Mr. Sikandh Mehta, Advocate
for respondent No.2.

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.398 dated 06.06.2023 registered under Section 174-A IPC at Police Station Hansi City, District Hisar (Annexure P-1) along with all subsequent proceedings arising therefrom.
- [2]. Briefly stating, petitioner was summoned under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter to be referred as 'the N.I. Act') in the complaint filed at the instance of the complainant. On account of non-appearance of petitioner, proceedings under Section 82 Cr.P.C. were ordered against petitioner and as a consequence thereof, he was declared as proclaimed person vide order dated 30.05.2023 passed by the Sub-Divisional Judicial Magistrate, Hansi, followed by registration of FIR No.398 dated 06.06.2023 under Section 174-A IPC against him.

[3]. Impugning the aforementioned order dated 30.05.2023 as well as FIR No.398 dated 06.06.2023, learned counsel for the petitioner submits that petitioner never received any summons from the Trial Court and ultimately the proclamation under Section 82(1) Cr.P.C. was issued against him. He further points out that later, a settlement came to be arrived at between the parties as petitioner discharged his liability by paying the entire cheque amount in favour of complainant and in pursuance thereof, the complaint under Section 138 of the N.I. Act, was withdrawn by complainant and complaint file was ordered to be consigned to record room, vide order dated 10.07.2023 passed by the Sub-Divisional Judicial Magistrate, Hansi.

[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, he 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]. Learned State counsel 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.

[6]. 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.

[7]. Once, the complaint under Section 138 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 petitioner is fully covered with the judgments passed by this Court in Satish Kumar and Ram Kumar Rana's cases (supra).

[8]. In view of discussion made hereinabove, the present petition is allowed, subject to payment of cost(s) of Rs.10,000/- to be deposited in the Poor Patients Welfare Fund of the PGIMER, Chandigarh. Consequently, the order dated 30.05.2023 passed by the Sub-Divisional Judicial Magistrate, Hansi declaring petitioner as proclaimed person is set aside. The FIR No.398 dated 06.06.2023 registered under Section 174-A IPC at Police Station Hansi City, District Hisar along with all consequential proceedings arising therefrom is also quashed.

January 31, 2024
Atik

Whether speaking/reasoned

Whether reportable

(HARKESH MANUJA)

JUDGE

Yes/No

Yes/No