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2024:PHHC:059388

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No.45161-2023 (O&M)

Date of decision: 30.04.2024

Sachin Ahuja

... Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: None for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 of Code of Criminal Procedure, 1973 for quashing of impugned order dated 30.01.2023 (P-4) passed by learned Judicial Magistrate First Class, Panipat whereby petitioner was declared as proclaimed person and for quashing of FIR No. 214 dated 04.02.2023 (P-5) under Section 174-A of Indian Penal Code, 1860 (for short 'the IPC'), registered at Police Station, Panipat City, Panipat (P-5) as well as all consequential proceedings arising therefrom.

(2) This Court while issuing notice of motion of 09.10.2023 passed the following order:-

“ Contends inter alia that matter has been amicably settled and complaint filed under Section 138 of Negotiable Instruments Act, 1881 is dismissed as withdrawn vide order dated 21.10.2022 (P-3).

Notice of motion for 29.11.2023.

In the meantime, further proceedings on the basis of FIR No. 214 dated 04.02.2023 registered under Section 174A of the Indian Penal Code, 1860, at Police Station Panipat City, District Panipat shall remain stayed.”

(3) Complainant is not a party to the petition; nor petitioner has come forward either in person or through counsel.

(4) However, perusal of the order dated 21.10.2022 (P-3) passed by learned Judicial Magistrate First Class, Panipat reveals that matter has been amicably settled between the parties and complaint under Section 138 of Negotiable Instruments Act, 1881 (for short 'NI Act') is dismissed as withdrawn. For reference, order dated 21.10.2022 (*supra*) reads as under:-

“Today the case was fixed for cross-examination of complainant. At this stage, Anil Kumar, the complainant, has suffered his statement to the effect that the matter has been settled with the accused Sachin for a settlement amount of Rs. 3,00,000/-. In lieu thereof, he has received an amount of Rs. 50,000/- from accused. He further stated that he also received five cheques amounting to Rs. 50,000/- bearing cheques no. 000020 to 000024 for remaining payment i.e. Rs. 2,50,000/-. In case, cheque could not encash, Sonu Enterprises and proprietor Sachin is to be liable. He is duly identified by his counsel.

On the other hand, accused Sachin, proprietor of Sonu Enterprises, has also suffered his statement in this regard. His is duly identified by his counsel. Heard. In view thereof, the present complaint under Section 138 of N.I.Act is hereby dismissed as withdrawn being compromised.”

(5) Learned State counsel on instructions has apprised the Court that even police has also submitted a closure report in the impugned FIR No.214 dated 04.02.2023 and as on today, there is no proposal for any further action at their end.

(6) Heard learned State counsel and perused the paper-book.

- (7) Evidently, main complaint under Section 138 of the NI Act has already been dismissed as withdrawn on 21.10.2022; therefore, continuation of the proceedings on the basis of impugned FIR would not serve any purpose; rather shall consume the valuable Court time, which can be utilized for a better cause.
- (8) In view of the above, present petition is allowed; impugned order dated 30.01.2023 as well as aforesaid FIR along with all consequential proceedings are quashed and set aside, qua petitioner.
- (9) As a deterrence for the future, petitioner shall suffer costs of Rs.10,000/- (Ten Thousand only).
- (10) 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 within four weeks.
- (11) In case there is a failure, Registry of this Court shall recover the costs as arrears of land revenue.
- (12) Compliance report in this regard be submitted to the Registry by 01.07.2024.
- (13) Pending application(s), if any, shall also stand disposed off.

30.04.2024
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

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