



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

**CRM-35843-2024 IN
CRM-2351-2024 IN/AND
CRM-M-49835-2022 (O&M)
DECIDED ON: 11.09.2024**

JAI PARKASH GOEL

.....APPLICANT-PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Chanderhas Yadav, Advocate &
Mr. Ashul Baghla
for the applicant-petitioner.

Mr. Chetan Sharma, D.A.G., Haryana.

SANDEEP MOUDGIL, J (ORAL)

CRM-35843-2024

This is an application under Section 528 of BNSS, 2023 with a prayer for hearing the present matter on an early date after preponing the present matter on an early date.

As per office report dated 01.08.2024, the applicant has not deposited the process fee so far to effect service.

Learned counsel for the applicant-petitioner undertakes to deposit necessary fee for service on the respondents in the instant application.

However, the deposit of process fee as has been notified by the Registry is waived off.

Mr. Chetan Sharma, D.A.G., Haryana appearing on behalf of the State having served with advance copy of the petition.

As far as the appearance of private respondent/complainant is concerned is not felt necessary in the instant petition in the light of the fact brought before this Court that complaint under Section 138 of Negotiable Instruments Act had already stands dismissed vide judgment dated 08.12.2022.

In the light of above, learned counsel for the applicant-appellant sought preponement of the main case to which learned State counsel has also no objection.

The application for preponement of the case is allowed.

Main case is taken on Board.

The application stands disposed off accordingly.

CRM-M-49835-2022

The jurisdiction of this Court has been invoked under Section 482 Cr.P.C. with a prayer for quashing/setting aside FIR No.208 dated 15.09.2022 (P-3) under Section 174(a) IPC, P.S. Sadar Bahadurgarh, District Jhajjar, which has been initiated against the petitioner without following due process.

Keeping in view the aforesaid assertions that once the complaint before the trial Court itself stands dismissed, the continuation of the present petition is of no consequence and would be futile exercise inasmuch as the FIR under Section 174-A IPC was registered after the petitioner was declared proclaimed person for non-appearance in the main complaint alone.

This Court having considered the issue considerably and exhaustively in the judgment in case bearing No.COMA/204/2016 titled as Sonu Vs. Shree Trupati Bala Ji Concrete Mix Pvt. Ltd., the concluding para of the same is reproduced as under:-

“21. In view of the reasons recorded above, this Court is of the considered view that complainant miserably failed in proving his case against accused and the cheque in question were never issued by the said accused in discharge of his legal debt and liability. Consequently, the complaint of complainant fails and the same is hereby dismissed qua accused. The accused present in the Court is hereby acquitted of all the charges leveled against him. His bail bonds and surety bonds stands discharged. File be consigned to the record room after due compliance.”

Accordingly, the present petition is allowed.

Miscellaneous applications, if any, stand disposed of.

11.09.2024

Mani Kumar

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No