

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

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CRM-M No.52260 of 2019

Date of Decision: 30.01.2024

RANDEEP SINGH**.....Petitioner****Vs****STATE OF HARYANA AND ANOTHER****....Respondents****CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA**

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

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

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.0902 dated 24.08.2019 registered under Section 174-A IPC at Police Station Sadar Karnal, District Karnal (Annexure P-2) 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 12.01.2015. passed by the Judicial Magistrate Ist Class, Karnal, followed by registration of FIR No.0902 dated 24.08.2019 under Section 174-A IPC against him.

[3]. Impugning the aforementioned order dated 12.01.2015 as well as FIR No.902 dated 24.08.2019, 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cheque amount in favour of complainant and in pursuance thereof, the complaint under Section 138 of the N.I. Act, was withdrawn by complainant and complaint file was ordered to be consigned to record room, vide order dated 27.08.2019 passed by the Judicial Magistrate First Class, Karnal.

[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]. As per office report, service qua respondent No.2 is incomplete. However, respondent No.2 is left with no grievance in view of his statement recorded on 27.08.2019 before the Judicial Magistrate Ist Clas, Karnal. The matter is now between the Court and petitioner only.

[6]. 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.

[7]. 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.

[8]. 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).

[9]. In view of discussion made hereinabove, the present petition is allowed, subject to payment of cost(s) of Rs.10,000/- to be deposited with the Haryana Police Welfare Fund within 15 days from today. Consequently, the order dated 12.01.2015 passed by the Judicial Magistrate Ist Class, Karnal declaring petitioner as proclaimed person is set aside. The FIR No.0902 dated 24.08.2019 registered under Section 174-A IPC at Police Station Sadar Karnal, District Karnal along with all consequential proceedings arising therefrom is also quashed.

January 30, 2024
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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No