

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-14779 of 2014 (O&M)
Date of Decision: February 25, 2016

Rakesh Chander

...Petitioner

VERSUS

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Sanjiv Gupta, Advocate
for the petitioner.

Mr.D.R.Singla, Deputy Advocate General, Haryana
for the respondent-State.

None for respondents No.2 to 4.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. for quashing of FIR No.36 dated 12.01.2013 under Sections 420, 406, 467, 468, 471 and 381 IPC registered at Police Station Jind City and subsequent proceedings arising therefrom.

Notice of motion was issued in this case and learned State counsel appeared and contested the petition. However, none appeared on behalf of respondents No.2 to 4 despite service.

At the time of arguments, learned counsel for the petitioner argued that there is dispute regarding dishonouring of cheque issued

by private respondents and a complaint under section 138 of the Negotiable Instruments Act was filed before learned JMIC, Patiala. Qua same cheques, the private respondents got registered FIR in question against the present petitioner. Learned counsel for the petitioner also argued that complaint was withdrawn as the private respondents had made statement that they will give statement for quashing of present FIR.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

From the record, I find that Annexure P-3 is the copy of the complaint filed by Rakesh Chander against M/s Akshi Marketing Pvt. Ltd., Ram Karan Jindal, Suresh Chand and Amit Bansal. Annexure P-6 is the statement of Rakesh Chander in that complaint proceedings which is dated 10.10.2013 in which he has stated that he has received the cheque amount in question on that day in the Court and he withdrew the complaint against accused. Annexure P-7 is the statement of Amit Bansal, Director of M/s Akshi Marketing Pvt. Ltd., who stated that he has lodged the FIR No.36 under Sections 420 IPC etc. against the complainant in Police Station Jind. In that statement, he undertook to give statement before this Court in case complainant files the petition for quashing or if required, statement will be given by him before any other authorities and the entire legal expenses will be borne by him.

Keeping in view this statement, learned JMIC, Patiala, passed the order dated 10.10.2013 in which it is stated that in view of

the statement suffered by complainant and accused, present complaint is dismissed as withdrawn. Accused is acquitted of the allegations levelled against him. Bail bonds and surety bonds stood discharged.

Learned Court below in the order also referred the statements of the complainant as well as Amit Bansal that he will give statement before this Court in case complainant files the quashing petition. In the present case, private respondents have been served but none has come present.

In view of the compromise between the parties regarding the cheque on the basis of which FIR was registered and in view of the fact that complainant has already withdrew the complaint on the basis of statement of private respondent Amit Bansal, Director of M/s Akshi Marketing Pvt. Ltd. that he will get quashed the FIR, I find that private respondents have already availed the benefit under the compromise and the complaint under Section 138 of the Negotiable Instruments Act has been got withdrawn from the present petitioner.

In view of the above facts, as the matter has already been settled before the Court below in criminal complaint under Section 138 of the Negotiable Instruments Act and the cheque amount has already been paid to the present petitioner in those proceedings, therefore, the present FIR arising from the same cheque is liable to be quashed on the basis the compromise.

Therefore, finding merit in the present petition, the same is allowed. The FIR No.36 dated 12.01.2013 under Sections 420, 406,

467, 468, 471 and 381 IPC registered at Police Station Jind City and all the subsequent proceedings arising therefrom are hereby quashed.

February 25, 2016
Vgulati

(INDERJIT SINGH)
JUDGE