

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

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CRM-M No.36369 of 2016 (O&M)
Date of Decision: April 27th, 2018

Surinder Kumar @ Surinder Singh

.....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Tarun, Advocate
for Mr. D.S. Pheruman, Advocate
for the petitioner.

Mr. Dhruv Dayal, Senior Deputy Advocate General, Punjab.

Mr. Inder Pal Singh, Advocate
for respondent No.2.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Prayer in this petition is for quashing of FIR No.29 dated 19.02.2016 registered under Sections 174-A IPC at Police Station Navi Baradari, District Jalandhar, in the light of the quashing of the order dated 08.01.2016 by which the petitioner was declared a proclaimed offender by Judicial Magistrate Ist Class, Jalandhar.

It is the contention of learned counsel for the petitioner that this Court vide order dated 26.08.2016 (Annexure P-7) passed in *CRM-M No.29569 of 2016* titled as *Surinder Kumar @ Surinder Singh Versus State of Punjab and another* preferred by the petitioner, was pleased to quash the order dated 08.01.2016 passed by the Judicial Magistrate Ist Class, Jalandhar, declaring the petitioner a proclaimed offender. He contends that the FIR No.29 dated 19.02.20116 was registered under Section 174-A IPC, Police Station Navi Baradari, Police District Jalandhar City, was a consequence of the order dated 08.01.2016

referred to above. With the quashing of the order dated 08.01.2016 on 26.08.2016, the consequential FIR which came into existence, cannot sustain and deserves to be set aside. It is further submitted by the counsel for the parties that there is a compromise between the parties in the proceedings initiated on the complaint preferred by respondent No.2 under Section 138 of the Negotiable Instruments Act. This factum is acknowledged by counsel for respondent No.2 in Court.

In view of the above, the present petition is allowed.

FIR No.29 dated 19.02.2016 registered under Sections 174-A IPC at Police Station Navi Baradari, District Jalandhar, which is a consequence of the order dated 08.01.2016 on its being quashed, cannot sustain and, therefore, the same is quashed along with all consequential proceedings arising therefrom qua the petitioner.

April 27th, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No