

Milan Jain and others

.....Petitioners

versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present:- Mr. Pankaj Bali, Advocate
for the petitioner

Sudhir Mittal, J. (Oral)

The petitioner seeks quashing of FIR No. 284 dated 31.03.2018 registered at Police Station Sarai Khawaja, District Faridabad under Section 174-A IPC.

It is contended that the aforementioned FIR is the outcome of proceedings initiated by respondent No. 2 under Section 138 of the Negotiable Instruments Act, 1881. The said complaint has been compounded and, thus, the aforementioned FIR also deserves to be quashed as continuing therewith would amount to an abuse of process of law.

Notice of motion.

Mr. S.P. Singh, DAG Haryana, accepts notice on behalf of respondent No. 1.

Mr. Deepak Sharma, Advocate accepts notice on behalf of respondent No. 2.

Let copies of the complete paper book be supplied to learned counsel for the respondents during the course of the day.

Keeping in view the fact that the offence under Section 138 of the Act

has been compounded, I accept the submissions of learned counsel for the petitioner

that continuing with the FIR under Section 174-A IPC would amount to an abuse of the process of criminal Court.

The petition is allowed and the FIR No. 284 dated 31.03.2018 registered at Police Station Sarai Khawaja, District Faridabad under Section 174-A IPC and the consequential proceedings thereof, are quashed.

January 17, 2019

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No