

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-6420-2019

Date of Decision: 20.02.2019

Davender @ DK

.... Petitioners

Versus

State of Haryana and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Gaurav Singla, Advocate for the petitioner.

Mr. Raj Kumar Makkar, Sr. DAG, Haryana.

Mr. Gaurav Gupta, Advocate for respondent No. 2.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 482 Cr.P.C., prayer has been made for quashing impugned Complaint No. RBT-1379 and CIS No. NACT/3915/2015 dated 21.08.2015/05.05.2017 (Annexure P-1) filed by respondent No. 2-complainant, under Section 138 of the Negotiable Instruments Act, 1881 (for short-'the Act') and judgment of conviction and order of sentence dated 20.12.2017 (Annexure P-2) and all subsequent proceedings arising therefrom, on the basis of compromise dated 30.01.2019 (Annexure P-4).

Pursuant to the order dated 13.02.2019, learned counsel for the petitioner has produced duly attested receipt dated 15.02.2019 with regard to deposit of ₹ 15,000/- with the Poor Patients Welfare Fund of the Post Graduate Institute of Medical Education and Research (PGIMER),

Chandigarh. The same is taken on record. Be tagged at the appropriate place.

Learned counsel for respondent No. 2-complainant submits that he has no objection, if, the impugned complaint (Annexure P-1), which has culminated into judgment of conviction and order of sentence dated 20.12.2017 (Annexure P-2) and all subsequent proceedings arising therefrom, are quashed qua the petitioner.

It is pertinent to mention here that appeal filed by the petitioner against the judgment of conviction (Annexure P-2) has already been dismissed as withdraw vide order dated 23.10.2018 (Annexure P-3).

In view of the above, impugned Complaint (Annexure P-1) filed by respondent No. 2-complainant under Section 138 of the Act, qua the petitioner is quashed including the judgment of conviction and order of sentence dated 20.12.2017 (Annexure P-2) and all subsequent proceedings arising therefrom. Petitioner is ordered to be set at liberty.

The instant petition stands disposed of, accordingly.

February 20, 2019

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**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No