

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

**CRM-M No.22753 of 2016 (O&M)
Date of Decision: 12.12.2019**

Pritpal Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: None for the petitioner.

Mr. Harpreet Singh Multani, AAG, Punjab for respondent No.1.

Mr. Sandeep Bhatia, Advocate for
Mr. Vishal Deep Goel, Advocate for respondent No.2.

MAHABIR SINGH SINDHU, J. (Oral)

CRM No.39140 of 2019

Application is for placing on record the copy of statement dated 05.04.2017 of respondent No.2, recorded before learned trial Court as well as copy of order dated 08.04.2017, passed by the Presiding Officer, National Lok Adalat, Phillaur as Annexure P-6 (colly.) with the further prayer seeking exemption from filing certified/true typed copies of the same.

For the reasons stated in the application, the same is allowed subject to all just exceptions. Accompanied documents are taken on record as Annexure P-6 (colly.).

Registry to tag the same at the appropriate place.

MAIN CASE

Present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.35 dated 14.02.2016 (P-1), under Section 174A of the Indian Penal Code, 1860, registered at Police Station Phillaur, District Jalandhar Rural along

with all consequential proceedings arising therefrom.

This Court, on 18.11.2019, passed the following order:-

“ Learned Counsel for the petitioner has pointed out that complaint under Section 138 of the Negotiable Instruments Act, 1881 already stands settled between the parties. He wishes to place on record copy of the order, passed by learned trial Court. Adjourned to 12.12.2019.”

Today, at the time of hearing, learned Counsel for respondent No.2/complainant acknowledged that matter has been compromised between the parties under Section 138 of the Act of 1881 and reference is made to order dated 05.04.2017, passed by learned Sub Divisional Judicial Magistrate, Phillaur as well as dated 08.04.2017 (P-6 colly.) of the Presiding Officer, National Lok Adalat, Phillaur, respectively.

Learned State Counsel has also agreed that complaint filed by respondent No.2 has already been withdrawn on the basis of compromise arrived at between the parties.

Concededly, matter under Section 138 of the N.I. Act has been compromised between the petitioner and respondent No.2/complainant and even on merits also, it seems that petitioner was not properly served before passing the order, whereby he was declared as proclaimed person, therefore, provisions of Sections 82 of the Cr.P.C. were not correctly followed by learned JMIC.

In view of above, present petition is allowed and the aforesaid FIR along with all consequential proceedings resulting therefrom are quashed in the interest of justice.

December 12, 2019

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**(MAHABIR SINGH SINDHU)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>