

CRM-M-7914 of 2020

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

CRM-M-7914 of 2020
Date of Decision: 25.02.2020

Sushil Kumar

...Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. M.K. Bali, Advocate, for the petitioner.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 482 Cr.P.C. prayer has been made for quashing FIR No.865 dated 14.08.2019 (Annexure P-1) registered under Section 174-A IPC at Police Station Manesar City, District Kurukshetra, along with all consequential proceedings arising therefrom.

Learned counsel for the petitioner *inter alia* contends that complaint case under Section 138 of the Negotiable Instruments Act (in short 'the Act') has been dismissed as withdrawn on the basis of compromise between the parties vide order dated 03.07.2019 (Annexure P-3). Therefore, continuation of proceedings under Section 174-A IPC would be abuse of process of law. In support of his contentions, learned counsel placed reliance upon judgments of this Court in ***Mohit v. State of Haryana***, 217(1) L.A.R. 595, ***Ashok Madan v. State of Haryana and another***, 2019(3) Law Herald 2435, ***Microqual Techno Limited and others v. State of Haryana***

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and another, 2015(32) R.C.R.(Criminal) 790 and *Vikas Sharma v. Gurpreet Singh Kohli and another*, 2017(3) L.A.R. 584.

Heard.

Considering the factum that complaint under Section 138 of the Act, in which petitioner was declared proclaimed offender, has been dismissed as withdrawn vide order dated 03.07.2019, therefore, taking aid of law laid down by this Court in authorities referred to by learned counsel for the petitioner, petition is allowed. Impugned FIR under Section 174-A IPC is quashed subject to deposit of ₹20,000/- with the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh. Petitioner can also opt to deposit the aforesaid amount of ₹20,000/- with the PGIMER online through its website "www.pgimer.edu.in".

List on 12.3.2020 for production of original receipt qua deposit of aforesaid amount.

February 25, 2020
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No