

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

201

**CRM-M-26704-2020
Decided on : 30.10.2020**

Jaswinder Pal Singh

. . . Petitioner(s)

Versus

State of Punjab and another

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Ravi Gakhar, Advocate
for the petitioner(s).

Ms. Monika Jalota, DAG, Punjab.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 482 Cr.P.C., for quashing of FIR No. 182, dated 02.08.2019, under Section 174-A IPC, registered at Police Station City Rajpura, District Patiala (Annexure P-1) and all subsequent proceedings arising therefrom.

Learned counsel for the petitioner *inter alia* contends that vide order dated 17th July, 2019 (Annexure P-3), learned JMIC, Rajpura, declared the petitioner as proclaimed person in the complaint case filed against him under Section 138 of the Negotiable Instruments Act, 1881 (for brevity 'the NI Act'). Subsequently, FIR in question under Section 174-A of IPC was registered against the petitioner. It has been contended that the petitioner was unaware about the proceedings having been initiated against him in the complaint case under Section 138 of the NI Act as well as the proclamation warrants issued against him by the JMIC, Rajpura vide order dated 17th July, 2019 (Annexure P-3). However, subsequently as soon as he became aware of the complaint case filed under Section 138 of the NI Act, the petitioner

entered into a settlement with the complainant and gave two demand drafts

dated 15.11.2019 and 25.11.2019, respectively, amounting to Rs. 1,25,000/- each, which were duly received by the complainant's Special Power of Attorney – Malkiat Singh. Resultantly, the complaint under Section 138 of the NI Act, filed against the petitioner, was withdrawn by the complainant.

On being put to notice, respondent No.1 – State entered appearance and has not disputed the factum of compromise having been arrived at between the parties and the case under Section 138 of the NI Act, having been withdrawn by the complainant against the petitioner.

Heard.

In the facts and circumstances of the case, I have no hesitation in holding that the instant petition deserves to be allowed. Consequently, FIR No. 182, dated 02.08.2019, under Section 174-A IPC, registered at Police Station City Rajpura, District Patiala (Annexure P-1) is quashed along with all subsequent proceedings arising therefrom.

(MANJARI NEHRU KAUL)
JUDGE

October 30, 2020

J.Ram

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