

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

Through Video Conferencing

123

CRM-M-31033-2020

Date of Decision : October 05, 2020

VIJAY KUMAR

.....Petitioner

VERSUS

STATE OF HARYANA AND ANOTHER

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. S.K.Bishnoi, Advocate for the petitioner.
Mr. Tanushree Gupta, DAG, Haryana.
Mr. Sushil Sharma, Advocate
for respondent No.2-complainant.

NIRMALJIT KAUR, J. (Oral)

This petition under Section 482 of the Code of Criminal Procedure has been filed for quashing of FIR No. 172 dated 13.3.2020 (Annexure P/1) vide which the petitioner was declared a proclaimed offender on the basis of which a direction was also issued for initiating proceedings under Section 174-A of IPC on behalf of the Court.

The facts in short which have necessitated the filing of the present petition for quashing of the said FIR is that the complainant had filed a criminal complaint No. 538 of 2016 titled as “Ram Kumar Vs. Vijay” under Section 138 of the Negotiable Instruments Act, 1881. On 22.11.2017, the petitioner was declared a proclaimed offender for not appearing before the Court in the said complaint and consequently above mentioned FIR came to be registered against him at Police Station Civil Lines, District Jind. The petitioner has since been granted anticipatory bail vide order dated 2.9.2020 in the FIR sought to be quashed herein. Thereafter, a compromise was effected between the parties on 1.6.2017.

The said compromise has been placed on record as Annexure P-5. In pursuance to the said compromise, the complaint under Section 138 of the Negotiable Instruments Act was withdrawn by the complainant.

In view of the said compromise and the very complaint under Section 138 of the Negotiable Instruments Act having been withdrawn, the FIR No. 172 dated 13.3.2020 initiating proceedings under Section 174-A of IPC does not survive.

Mr. Sushil Sharma, Advocate has put in appearance and filed his power of attorney on behalf of respondent No.2. It is submitted by him that he has instructions to say that he has no objection in case FIR No.172 dated 13.3.2020 (Annexure P-1) is quashed in view of the compromise effected between the parties and the main complaint itself under Section 138 of the Negotiable Instruments Act having been withdrawn. Learned State counsel too has no objection in view of the main complaint itself having been withdrawn. This Court too is of the view that there is no useful purpose in proceeding with the said FIR registered under Section 174-A IPC when the main complaint under Section 138 of the Negotiable Instruments Act has already been withdrawn.

In view of the above, this Court has no inhibition in quashing the same. Accordingly, the present petition is allowed and FIR No. 172 dated 13.3.2020 placed on record as Annexure P-1 and any other proceedings arising out of the same are quashed.

October 05, 2020
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(NIRMALJIT KAUR)
JUDGE

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