

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

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CRM-M-11225-2021

Date of decision : 07.09.2021.

Kamla Devi Jain and another

... Petitioners

Versus

State of Haryana

.. Respondent

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Ajay Saini, Advocate for the petitioners.

Mr. Deepak Bhardwaj, DAG, Haryana.

Anupinder Singh Grewal, J. (Oral)

The petitioners are seeking quashing of FIR No.792 dated 14.08.2019, under Section 174-A IPC, registered at Police Station Chandni Bagh, District Panipat.

Learned counsel for the petitioners contends that the complaint had been preferred in the year 2017 under Section 138 of the Negotiable Instruments Act against the petitioners as the cheque issued by them was dishonoured. He further contends that the petitioners were earlier residing at Panipat, they had shifted in September, 2017 to Delhi and were residing at Sector 14, Rohini, Delhi. The petitioners were not aware of the proceedings as neither any notice nor any summon was received by them at the address they were residing. Consequently, the petitioners could not appear before the trial Court and aforementioned FIR under Section 174A IPC was registered against them. After the registration of the FIR, petitioner No.1 has been granted anticipatory bail while petitioner No.2 surrendered and released on regular bail. The matter was thereafter compromised with the complainant and the complainant himself had made a statement before the trial Court in this regard and had sought permission

for withdrawal of the complaint case. A copy of the order passed by the Judicial Magistrate First Class, Panipat dated 06.09.2019 is at Annexure P-2. He also contends that as the complaint has been withdrawn, the proceedings under Section 174-A IPC should be quashed to secure the ends of justice. He has relied upon the judgement of the Coordinate Bench of this Court in the case of **Aditya Goyal versus State of Haryana** bearing CRM-M-11269-2019 dated 07.05.2019.

Reply by way of an affidavit of Deputy Superintendent of Police, Traffic, Panipat has been filed wherein it is stated the after filing the challan, charges have been framed. However, the factum of compromise arrived at between the petitioners and the complainant has not been disputed.

Heard.

The petitioners were accused in a complaint under the Negotiable Instruments Act for dishonour of a cheque. The matter has been compromised and the complainant has withdrawn the complaint. The instant FIR is offshoot of the aforementioned complaint and as the complaint has been withdrawn, the continuation of the proceedings under Section 174-A IPC would not be in the interest of justice.

Consequently, the petition is allowed and FIR No.792 dated 14.08.2019, under Section 174-A IPC, registered at Police Station Chandni Bagh, District Panipat along with subsequent proceedings arising therefrom is hereby quashed qua the petitioners.

(ANUPINDER SINGH GREWAL)
JUDGE

September 07, 2021

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