

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

201

**CRM-M-26987-2021 (O&M)
Date of Decision: 14.09.2021**

Sarabjit Kaur

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Prashant Bansal, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab
assisted by ASI Angrej Singh.

Mr. Sumit Dua, Advocate, for the complainant.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking setting aside of order dated 07.12.2019 (Annexure P-1) and also for quashing of FIR No.16 dated 04.03.2020 registered at Police Station Ghanaur, District Patiala, under Section 174-A IPC, lodged pursuant to the said order.
2. Learned counsel for the petitioner has submitted that the matter in fact arises out of a complaint under Section 138 of the Negotiable Instruments Act, which has been amicably resolved. The said complaint had already been withdrawn vide order dated 21.01.2021 (Annexure P-6) and that the complainant has no objection even for setting aside order dated 07.12.2019 or for quashing of the FIR.

3. Mr. Sumit Dua, Advocate, has put in appearance on behalf of the complainant and has endorsed the factum of compromise and has submitted that he has no objection in acceptance of instant petition.
4. Learned State counsel has, however, opposed the petition on the ground that a matter in respect of offence under Section 174-A IPC cannot be compromised by a private complainant.
5. I have considered the aforesaid submissions.
6. The petitioner is a lady against whom respondent No.2 had instituted a complaint under Section 138 of the Negotiable Instruments Act as regards the dishonour of a cheque amounting to Rs.2,50,000/-. The said case already stands withdrawn pursuant to a compromise. A perusal of statement of the serving official Kohla Singh as regards effecting proclamation i.e. Annexure P-4 would show that there are lot of cuttings in the said statement and which would rather make the entire procedure doubtful. Such like cuttings/overwriting without the same being initialled will certainly create a doubt, as to whether proper proclamation was effected on the dates mentioned therein. In these circumstances, the proceedings based on such like statement cannot sustain and consequently, order dated 07.12.2019 is set aside.
7. As a result thereof, FIR No.16 dated 04.03.2020 registered at Police Station Ghanaur, District Patiala, under Sections 174-A IPC, which was lodged pursuant to order dated 07.12.2019 is hereby quashed.

14.09.2021

VY

**(GURVINDER SINGH GILL)
JUDGE**

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No