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

**CRM-M-41067-2021
Date of Decision: 07.12.2021**

Gulshan Kumar

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Nitin Mittoo, Advocate,
for the petitioner.

Mr. R.S. Khaira, AAG, Punjab,
for State-respondent No.1.

None for respondent No.2.

SUDIP AHLUWALIA, J. (ORAL)

In this petition, the petitioner, who is an accused in FIR No.78, dated 02.04.2021, under Section 174-A of the IPC, registered at Police Station Phillaur, District Jalandhar (Annexure P-1), has prayed for quashing of F.I.R. with all subsequent proceedings.

2. It has been made out on behalf of the petitioner that the FIR in question was drawn up against him on account of his failure to appear for trial in the original complaint filed against him by respondent No.2/complainant under Section 138 of the N.I. Act. Such complaint has already been withdrawn by the said respondent on the basis of compromise being arrived at between the concerned parties and the disputed amount of money has already been

returned to him.

3. In such circumstances, continuation of the criminal proceedings on basis of the FIR drawn up on account of the petitioner's purported default in facing trial in the original complaint case would clearly appear to be an abuse of the Court. Consequently, the present petition is allowed and FIR No.78, dated 02.04.2021, under Section 174-A of the IPC, registered at Police Station Phillaur, District Jalandhar, with all consequential proceedings arising therefrom, is hereby quashed qua the present petitioner.

07.12.2021

Apurva

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No