

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

CRM-M-9371-2021

Date of Decision: 27th May, 2022

Harjinder Singh

... Petitioner

Versus

State of U.T., Chandigarh and another

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Mukesh Kumar Bhatnagar, Advocate for the petitioner.
Mr. Amit Kumar, Goyal, APP, U.T., Chandigarh.
Mr. Radhey Shyam, Advocate for respondent No.2.

AVNEESH JHINGAN , J.(Oral)

1. This petition under Section 482 of Code of Criminal Procedure is filed seeking quashing of FIR No. 255, dated 15th June, 2018, under Sections 174-A IPC, registered at Police Station South Sector 34, Chandigarh, on the basis of compromise. The petitioner was declared as proclaimed offender in a complaint filed under Section 138 of Negotiable Instruments Act (NI Act).

2. It is not being disputed by the parties that after the compromise between the parties, the complaint under Section 138 of NI Act was withdrawn.

3. Learned counsel for the petitioner submits that the matter was settled between the parties. Contention is that complaint has been withdrawn. He relies upon the decisions rendered by this Court in **Vikas Sharma vs. Gurpreet Singh Kohli and another, 2017 (3) L.A.R. 584, Microqual Techno Limited and others Vs. State of Haryana and another, 2015 (32) RCR (Crl.) 790 and Rajneesh Khanna Vs. State of Haryana and another 2017(3) L.A.R. 555**, wherein, in an identical

circumstance, this Court has held that since the main petition filed under Section 138 of the NI Act stands withdrawn in view of an amicable settlement between the parties, therefore, continuation of proceedings under Section 174-A of IPC shall be nothing but an abuse of the process of law.

4. Learned counsel for respondents are not disputing the contentions raised by learned counsel for the petitioner.

5. Heard learned counsel for the parties and perused the pleadings.

6. There is no dispute that complaint was withdrawn, in such circumstances, continuation of proceedings under Section 174-A IPC would be an abuse of process of law. FIR mentioned above and all subsequent proceedings arising therefrom are quashed.

8. The petition is allowed.

(AVNEESH JHINGAN)
JUDGE

27th May, 2022

Parveen Sharma

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No