

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

CRM-M-9009 of 2022

Date of Decision: 22.03.2022

Jarnail Singh Bajwa

.....Petitioner

Versus

UT Chandigarh and Anr.

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Navjot Singh, Advocate for the petitioner.

Mr. Rajiv Vij, APP, UT, Chandigarh.

HARINDER SINGH SIDHU, J

Present petition filed under Section 482 Cr.P.C. is for quashing of FIR No.68, dated 26.03.2020, registered under Section 174-A of IPC at Police Station Sector-36, Chandigarh on the basis of non appearance of the petitioner.

A complaint under Section 138 of the Negotiable Instruments Act, 1881 was filed against the petitioner on account of dishonour of a cheque.

On account of the failure of the petitioner to attend the Court, proclamation proceedings were initiated against him and he was declared as proclaimed person. FIR under section 174-A IPC was consequently registered against him. A compromise was effected between the petitioner and the complainant on 07.01.2020 i.e prior to registration of FIR in pursuance of which both the parties agreed to amicably resolve the dispute.

In the light of the compromise, the complainant withdrew the complaint
vide order dated 10.08.2020 (P.3).

Learned counsel for the petitioner submits that the procedure as contemplated under section 82 Cr.P.C. was not complied with before the petitioner was declared a proclaimed person. In any case, he submits that in view of the complaint having been withdrawn, the continuance of the proceedings under Section 174-A IPC, would not be in the interest of justice.

Consequently, the present petition is allowed. FIR No.68, dated 26.03.2020, registered under Section 174-A of IPC at Police Station Sector-36, Chandigarh, and all consequential proceedings arising therefrom are quashed.

This shall however be subject to deposit by the petitioner of an amount of Rs.10,000/- with the Director of PGIMER, Poor Patient Welfare Funds, Chandigarh.

Disposed of accordingly.

March 22, 2022
manoj

(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No