

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-37378-2021 (O&M)

Date of Decision: 23.11.2022

RAJESH GOYAL & ANR.

... Petitioner(s)

VS.

STATE OF HARYANA & ORS.

... Respondent(s)

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Ammish Goel, Advocate for the petitioner

Mr. Parveen Kumar Aggarwal, DAG Haryana

Sandeep Moudgil, J. (Oral)

CRM-29001-2021

Allowed as prayed for.

Main case

Prayer made in this petition filed under Section 482 CrPC is for quashing of the criminal complaint No.738/2018 dated 04.07.2018 "M/s Galana Constructions vs. Rajesh Goyal & Anr." filed under Section 138 of the Negotiable Instruments Act, 1881 as well as the FIR No.0399 dated 12.09.2019 under Section 174-A registered at Police Station Sector 5, Panchkula, along with consequential proceedings thereof, on the basis of compromise arrived at between the parties. He submits that the case is covered by the judgment passed by a Coordinate Bench in **CRM-M-52319-2021 (Shravan Kumar Singh @ Sarvan Singh vs. State of Haryana)** decided on 15.12.2021 vide which this Court held that where the main case was dismissed for want of prosecution, the continuation of proceedings under Section 174-A IPC shall be an abuse of process of court.

Mr. Davinder Lubana, Advocate has filed memo of appearance on behalf of respondent No.2 – complainant, which is taken on record. He does not controvert the above-said fact.

Learned counsel for the parties are *ad idem* that the instant criminal complaint as well as the FIR, referred to above, are liable to be quashed in view of the judgment passed by a Coordinate Bench in **Shravan Kumar Singh @ Sarvan Singh** case (supra).

Accordingly, in view of **Shravan Kumar Singh @ Sarvan Singh's** case (supra), the present petition is allowed and the criminal complaint as well as the FIR filed/registered against the petitioner is quashed.

23.11.2022

V.Vishal

1. Whether speaking/reasoned?
2. Whether reportable?

(Sandeep Moudgil)
Judge

Yes/No
Yes/No