

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-29707-2022 (O&M)
Date of Decision:- 9.12.2022

Ram Kumar

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sandeep Gahlwat, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

GURVINDER SINGH GILL, J.

1. The petitioner seeks quashing of FIR No. 320 dated 12.6.2022, Police Station Baldev Nagar, District Ambala, under Section 174-A of Indian Penal Code and all subsequent proceedings emanating therefrom on the basis of a compromise effected between the parties.
2. A few facts necessary to notice for disposal of the petition are that respondent no. 2 – Universal Automobiles instituted a complaint bearing No. COMA No. 19342 of 2013 – Universal Automobiles Vs. Ram Kumar against the petitioner for offence under Section 138 of the Negotiable Instruments Act pertaining to dishonor of a cheque for an amount of Rs. 2.80 lacs.
3. During the proceedings of the said complaint, the petitioner was declared a proclaimed offender by the trial Court vide order dated 24.12.2015 and consequently FIR No. 320 dated 12.6.2022, Police Station Baldev Nagar, District Ambala came to be lodged.

4. The learned counsel for the petitioner submits that the matter pertaining to complaint No.19342 of 2013 – Universal Automobiles Vs. Ram Kumar stands amicably resolved amongst the parties and the complainant withdrew his complaint, as would be evident from order dated 2.7.2022 passed by Judicial Magistrate First Class, Ambala (Annexure P-6). The learned counsel has submitted that the matter arose out of some misunderstanding amongst the parties and since the main case itself stands compromised amongst the parties, the continuation of the proceedings in respect of the present FIR i.e. FIR No. 320 dated 12.6.2022, Police Station Baldev Nagar, District Ambala will not serve any useful purpose.
5. This Court has considered the aforesaid submissions.
6. The matter arises out of a complaint instituted way back in the year 2013 which already stands compromised and basically pertains to some monetary transaction amongst the parties. Having regard to the facts and circumstances of the case, particularly the fact that the main case pertains to an offence under Section 138 of the Negotiable Instruments Act and which has since been compromised amongst the parties, a lenient view can be taken in the matter.
7. The petition, as such, is accepted in view of the aforesaid compromise and bearing in mind the law laid down by Full Bench of this Court in 2007(3) RCR (Crl.) 1052 Kulwinder Singh and others Vs. State of Punjab, the present petition is allowed and FIR No. 320 dated 12.6.2022, Police Station Baldev Nagar, District Ambala, under Section 174-A of Indian Penal Code and all subsequent proceedings emanating therefrom are hereby quashed qua petitioner subject to payment of Rs. 20,000/- as costs of litigation, which

shall be deposited in the account of High Court Legal Services Committee within four weeks from today.

9.12.2022

kamal

Whether reasoned/speaking

Whether reportable

(Gurvinder Singh Gill)

Judge

Yes / No

Yes / No