

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

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**CRM-M-38425-2019 (O&M)
Date of decision: 30.11.2022**

Manjit Singh @ Manjit Singh Athwal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Prateek Pandit, Advocate for the petitioner.

Mr. Gurlal Singh Dhillon, AAG Punjab.

Mr. R.S. Athwal, Advocate for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Prayer in the present petition under Section 482 Cr.P.C. is for quashing of FIR No. 54 dated 15.3.2017 under Section 174-A IPC registered at Police Station Navi Baradari, District Police Commissionerate Jalandhar (Anneuxre P-1) and all the consequential proceedings arising therefrom.

Learned counsel for the petitioner submits that the petitioner and the complainant are the real brothers. The cheque amount was of Rs. 20 lakh. The petitioner is a Canadian citizen. The brother of the petitioner, namely, Sarabjit Singh had filed a criminal case under Section 138 of the Negotiable Instruments Act, 1881 as well as a civil suit against him. In the civil suit, the compromise was effected between the petitioner and Sarabjit Singh and as per the compromise, complainant Sarabjit Singh also got recorded his statement before the trial Court on 04.10.2017 with regard to the compromise and the

complaint filed by him under Section 138 of the Act was got dismissed as withdrawn on 4.10.2017 (Annexure P-4). Learned counsel further submits that during the pendency of complaint under Section 138 of the Act, the petitioner was declared proclaimed person vide order dated 19.11.2015 on the basis of which, the present FIR was registered wherein the petitioner had also been declared a proclaimed person and thus prays for quashing of the said FIR.

Learned counsel appearing for the complainant does not dispute the factum of compromise and submits that the complainant has no objection, if the present petition is allowed.

Learned State counsel submits that the petitioner has been declared a proclaimed person not even in the present FIR, but also in the complaint under Section 138 N.I. Act, and thus, the petition deserves to be dismissed.

I have heard the learned counsel for the parties and have also gone through the documents on record.

The petitioner is a citizen of Canada and has been residing there for the last more than 20 years. The FIR was registered on 15.03.2017 under Section 174-A IPC and the petitioner has been declared a proclaimed person but the fact remains that the matter has been compromised between the parties and the brother of the petitioner got his statement recorded before the trial Court on 04.10.2017 with regard to the compromise in the complaint case and on the basis thereof, the complaint under Section 138 of N.I. Act, was got dismissed as withdrawn on 04.10.2017 and the civil suit filed by the brother

of the petitioner also stood disposed of.

In view of the above, the petition is allowed. FIR No.54 dated 15.03.2017, registered at Police Station Navi Baradari, District Jalandhar, under Section 174-A IPC, and all the subsequent proceedings are hereby quashed.

30.11.2022

Mangal Singh

(HARNARESH SINGH GILL)

JUDGE

Whether reasoned/speaking?

Whether reportable?

Yes/No

Yes/No