

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

CRM-M-42644 of 2020 (O&M)

DECIDED ON: 18th August, 2022

Balvinder Singh

.....PETITIONER

VERSUS

State of Haryana and another

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Namit Khurana, Advocate for petitioner.

Mr. Gurmeet Singh, AAG Haryana.

None for respondent No.2.

AVNEESH JHINGAN, J (ORAL)

This is a petition seeking quashing of FIR No. 747 dated 5.6.2018, under Sections 174-A IPC, registered at Police Station Jagadhri City, District Yamuna Nagar (Annexure P-1) as well as consequential proceedings arising therefrom.

The brief facts are that respondent No.2 filed a complaint under Section 138 of the Negotiable Instruments Act, 1881 (for short 'the Act'), as cheque for an amount of Rs.1,82,288/- was dis-honoured. During the proceedings, the petitioner was declared as proclaimed person and the FIR was registered. The dispute in the complaint under Section 138 of the Act was resolved by way of compromise. The complaint was withdrawn. Hence, this petition for quashing of FIR under Section 174-A IPC.

Notice of motion was issued.

None has put in appearance on behalf of respondent No.2
inspite of service.

Learned counsel for petitioner relies upon the decisions rendered by this Court in *Vikas Sharma vs. Gurpreet Singh Kohli and another (supra)*, 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an identical circumstance, this Court has held that since the main petition filed under Section 138 of the Act stands withdrawn in view of an amicable settlement between the parties, therefore, continuation of proceedings under Section 174-A of IPC shall be nothing but an abuse of the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.

Learned State counsel is not disputing the contentions raised by learned counsel for the petitioner.

Heard learned counsel for the parties and perused the pleadings.

There is no dispute that complaint under Section 138 of the Act was withdrawn. Continuation of proceedings under Section 174-A IPC would be an abuse of process of law.

Considering the facts and circumstances of the case in totality and the judgments relied upon by the petitioner, FIR mentioned above and all subsequent proceedings arising therefrom are quashed.

Since the main case has been decided, the pending application, if any is rendered infructuous.

(AVNEESH JHINGAN)
JUDGE

18th August, 2022

reema

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>