

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

CRM-M-7012 of 2021

Date of decision: 21st September, 2023

Gurmail Singh

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Rohit Sharma, Advocate for the petitioner.
Mr. Jashanpreet Singh, DAG, Punjab.

AVNEESH JHINGAN, J (Oral):

1. This petition under Section 482 Cr.P.C. is filed seeking quashing of FIR No. 128 dated 21.12.2016, under Section 174-A IPC, registered at Police Station Phool, District Bhatinda and all consequential proceedings.

2. Brief facts are that Vijay Kumar filed a complaint under Section 138 of the Negotiable Instruments Act, 1881 (for short, 'the Act') against the petitioner on account of dishonouring of cheque. On one date, the petitioner did not appear before the court concerned and he was declared proclaimed person vide order dated 16.12.2016. Thereafter, the petitioner entered into a compromise and the complaint was withdrawn by the complainant on 25.01.2021.

3. Learned counsel for the petitioner submits that the trial Court erred in issuing proclamation and declaring petitioner as proclaimed person. There was non-compliance of Section 82 Cr.P.C. Complaint under Section 138 of the Act was withdrawn by the complainant as the matter was compromised.

4. Learned State counsel on instructions is not disputing the factum of compromise between the parties in the complaint under Section

138 of the Act.

5. 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an identical circumstance, this Court has held that since the main petition filed under Section 138 of the Act stands withdrawn in view of an amicable settlement between the parties, therefore, continuation of proceedings under Section 174-A of IPC shall be nothing but an abuse of the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.
6. There is no dispute that the complaint under Section 138 of the Act was withdrawn. The petitioner had already put in appearance before the Court and was granted bail. Continuation of proceedings under Section 174-A IPC would be an abuse of process of law.
7. Considering the facts and circumstances of the case in totality, FIR No. 128 dated 21.12.2016, under Section 174-A IPC, registered at Police Station Phool, District Bhatinda and all consequential proceedings. are quashed.
8. The petition is allowed.

[AVNEESH JHINGAN]
JUDGE

21st September, 2023
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |