

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

114

CRM-M-13661-2023

Date of decision: 21.03.2023

Rahul Dureja

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Kunwar Rajan, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

The instant petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.192 dated 10.12.2017 (Annexure P-10) under Section 174-A of the IPC registered at Police Station Kabarwala and all consequential proceedings arising therefrom.

Learned counsel for the petitioner, at the outset, submits that the the complaint under Section 138 of the Negotiable Instruments Act, 1881 (for short, 'the NI Act') stands withdrawn by the complainant on account of the parties having arrived at an amicable settlement and the petitioner having made payment of the cheque amount to the complainant. A prayer, therefore, has been made that in the aforementioned facts and circumstances, no purpose would be served by prosecuting the petitioner under Section 174-A IPC. Learned counsel fairly submits that there were 06 other FIRs registered against the petitioner under Section 174-A of the IPC arising out of complaints registered under Section 138 of the NI Act, however, all of them have

either been compromised or withdrawn. In support of his submissions, learned counsel has placed reliance upon the judgment of this Court in ***Sher Singh vs. State of Haryana (CRM-M-11846-2023) decided on 09.03.2023*** wherein in identical facts and circumstances, the FIR registered under Section 174-A of the IPC against the petitioner was quashed.

Notice of motion.

On asking of the Court, Mr. Ramdeep Pratap Singh, Sr. DAG, Punjab accepts notice of the petition.

Learned State counsel has opposed the prayer made by the counsel opposite and contended that it was evident that the petitioner had intentionally not appeared during the proceedings before the Court below and hence, the prayer of the petitioner deserved to be declined.

Heard learned counsel for the parties and perused the relevant material on record.

The petitioner was declared a proclaimed person vide impugned order in a complaint case under Section 138 of the NI Act. Admittedly, the said complaint was withdrawn after the parties arrived at a compromise. Hence, the continuation of criminal proceedings for offence under Section 174-A IPC would serve no useful purpose.

Accordingly, the present petition is allowed and the order dated 15.11.2017 declaring the petitioner as proclaimed person, as well as FIR registered under Section 174-A IPC and all consequential proceedings arising therefrom is quashed, subject to payment of costs of Rs.5,000/- to be deposited with Punjab and Haryana High Court

Legal Services Committee within a period of two weeks which shall be a condition precedent.

21.03.2023

(MANJARI NEHRU KAUL)
JUDGE

Vinay

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No