

119 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-24999-2023
Date of Decision: 31.05.2023

MAHESH KUMAR BANSAL ... PETITIONER
V/S
STATE OF HARYANA & ANOTHER ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sushil Sharma, Advocate for the petitioner.

Mr. Surinder Kumar Dagar, DAG Haryana.

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VIVEK PURI, J. (ORAL)

1. The petitioner is seeking to quash the FIR bearing No. 125, dated 07.04.2022, under Section 174-A of the Indian Penal Code (for short 'IPC'), registered at Police Station Sector 7, Panchkula and the subsequent proceedings arising therefrom.
2. Notice of motion to respondent No.1.
3. Mr. Surinder Kumar Dagar, DAG Haryana, accepts notice on behalf of the respondent-State.
4. Learned counsel for the petitioner contends that Daya Ram-respondent No.2 had instituted a complaint under Section 138 of the Negotiable Instruments Act (for short 'the Act') on account of dishonor of a cheque in the sum of Rs. 3,10,000/- issued by the petitioner. The petitioner was declared proclaimed offender in terms of the order dated 10.03.2022 and consequently, the aforesaid FIR under Section 174-A IPC has been registered against him. The dispute in the complaint under Section 138 of

the Act has been amicably settled between the parties. The respondent No.2 has withdrawn the complaint in terms of the order dated 04.01.2023 (Annexure P-4) passed by the Court of learned Judicial Magistrate First Class, Panchkula. A sum of Rs. 2,50,000/- has been paid to respondent No.2 in full and final settlement of his claim. In view of the amicable settlement between the parties, the aforesaid FIR is liable to be quashed.

5. Learned State counsel has contended that the FIR has been registered as the petitioner was declared as proclaimed person and in pursuance of the order passed by the Court.

6. The material on record is indicative of the fact that the complaint under Section 138 of the Act was instituted against the petitioner on account of dishonor of cheque for a sum of Rs. 3,10,000/-. The dispute has been amicably settled between the parties. A sum of Rs. 2,50,000/- is stated to have been paid to respondent No.2 by the petitioner in full and final settlement of his claim. Significantly, the complaint has been withdrawn at a subsequent stage by the complainant/respondent No.2 vide order dated 04.01.2023 (Annexure P-4).

7. A co-ordinate bench of this Court in **CRM-M-43813-2018** titled as “**Baldev Chand Bansal vs. State of Haryana and another**”, decided on **29.01.2019** has held as under:-

“Learned counsel for the petitioner has relied 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 174A of IPC shall be nothing but an abuse of the process of law.”

8. The dispute with regard to the dishonor of the cheque has been amicably settled between the petitioner and the complainant in the said case and the complaint has been dismissed as withdrawn. Consequently, it shall be appropriate and ends of justice will meet, if the FIR in question under Section 174-A IPC is quashed to put a quietus to the entire matter.

9. Keeping in view the aforesaid facts and circumstances emerging in the instant case and in the ends of justice, the petition is allowed and the FIR bearing No. 125, dated 07.04.2022, under Section 174-A of the Indian Penal Code, registered at Police Station Sector 7, Panchkula and the subsequent proceedings arising therefrom are quashed.

31.05.2023

Janki

**(VIVEK PURI)
JUDGE**

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