

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

123

CRM-M-18077-2023

Date of decision: 17.04.2023

Rinku Sandhu

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Jarnail Singh Saneta, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.32 dated 12.01.2023 (Annexure P-3) under Section 174-A of the IPC registered at Police Station Karnal Sadar, District Karnal and all consequential proceedings arising therefrom.

2. 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the complaint under Section 138 of the Negotiable Instruments Act, 1881 (for short, 'the NI Act') stands dismissed as withdrawn by the vide order dated 16.03.2023 on account of the parties having arrived at an amicable settlement and the petitioner having made payment of the cheque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. 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.

3. Notice of motion.

4. On asking of the Court, Mr. Chetan Sharma, AAG, Haryana accepts notice of the petition.

5. 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.

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

7. The petitioner was declared a proclaimed person 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 Admittedly, the said complaint was withdrawn after the parties arrived at a compromise.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, continuation of criminal proceedings for offence under Section 174-A IPC would serve no useful purpose.

8. Accordingly, the present petition is allowed and FIR registered under Section 174-A IPC and all consequential proceedings arising therefrom are quashed, subject to payment of costs of ₹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.

17.04.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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