

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

117

CRM-M-18810-2023

Date of decision: 18.04.2023

Sukhjeet Kaur

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Hitesh Kumar Sammi, 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.0073 dated 09.09.2022 (Annexure P-4) under Section 174-A of the IPC registered at Police Station Maloud, Police District Khanna and all consequential proceedings arising therefrom.

2. Learned counsel for the petitioner, at the outset, submits that the parties have arrived at an amicable settlement vide compromise deed dated 15.03.2023 (Annexure P-5) wherein it stands reflected that the complainant has received the outstanding amount from the petitioner and the complainant shall withdraw the complaint under Section 138 of the Negotiable Instruments Act, 1881 (for short, 'the NI Act'). 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. Ramdeep Partap Singh, Sr. DAG, Punjab 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the parties have arrived at an amicable settlement vide Annexure P-5 in pursuance of which the complaint shall be withdrawn by the complainant. 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.

18.04.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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