

(113)

2023:PHHC:070478

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

CRM-M-20713 of 2023 (O&M)

Date of Decision: May 16, 2023

Vikas

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Dinesh Saini, Advocate for the petitioner.

DEEPAK GUPTA, J.(Oral)

CRM No.21551 of 2023

This application was moved for impleading the complainant – Vinod as a party to the petition. However, statement is made by learned counsel so as to withdraw the application.

Dismissed as withdrawn.

CRM No.21552 of 2023

This is an application to place on record the statement (Annexure P.4) of complainant – Vinod made during the trial of case FIR No.1118 dated 30.12.2017 registered under Section 174-A IPC, at Police Station Hisar City.

Application is allowed. Annexure P.4 is taken on record.

CRM-M-20713 of 2023

Prayer in this petition filed under Section 482 Cr.P.C has been made for quashing of FIR No.1118 dated 30.12.2017 registered under Section 174-A IPC at Police Station Hisar City, District Hisar and order dated 08.08.2017 passed by learned Judicial Magistrate Ist Class, Hisar, whereby petitioner has been declared proclaimed person in complaint under Section 138 of the Negotiable Instruments Act, bearing

It is contended by learned counsel for the petitioner that the matter has since been compromised amongst the parties in the complaint under Section 138 of the Negotiable Instruments Act and that complaint was dismissed on the basis of compromise vide order dated 26.11.2018 (Annexure P.3). Learned counsel further submits that payment in accordance with that compromise (Annexure P.3), has already been made to the complainant as has been conceded by him during his statement (Annexure P.4) made during trial of FIR under Section 174-A IPC.

However, it is conceded by learned counsel that trial in case FIR No.1118 dated 30.12.2017 under Section 174-A IPC is going on. Learned counsel prays to withdraw that petition but by giving direction to the trial Court to consider imposing of fine under Section 174-A IPC instead of sentencing him to imprisonment.

In view of the afore-said request, this petition is dismissed as withdrawn. However, petitioner will be at liberty to plead guilty in case under Section 174-A IPC before the trial Court. Upon his such pleading guilty, the trial Court will sympathetically consider sentencing the petitioner only for payment of fine under Section 174-A IPC considering the facts and circumstances of the case and that the matter has since been compromised between the parties.

May 16, 2023
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(DEEPAK GUPTA)
JUDGE

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