

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

112+205

CRM-M-21012-2023 (O&M)

Date of decision: 07.07.2023

Deepak Kumar Bradoo

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sandeep Siwach, Advocate
for the petitioner.

Ms. Trishanjali Sharma, DAG, Haryana

MANJARI NEHRU KAUL, J. (ORAL)

CRM-27215-2023

For the reasons mentioned in the application, the same is allowed and certified copies of order dated 21.03.2023 and application for withdrawal of complaint under Section 138, are taken on record as Annexures A-1 and A-2 subject to all just exceptions.

CRM-M-21012-2023

1. The instant petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.76 dated 12.02.2023 (Annexure P-2) under Section 174A IPC registered at Police Station Faridabad Central, District Faridabad, and all consequential proceedings arising therefrom.

2. Learned counsel for the petitioner, at the outset, has drawn the attention of this Court to Annexure A-1 which is an order wherein the complaint filed by the complainant under Section 138 of the Negotiable Instruments Act, 1881 (for short, 'the NI Act') stands

dismissed as withdrawn vide on 14.02.2023 as the complainant has received the payment which was due. A prayer, therefore, has been made that in the aforementioned facts and circumstances, no purpose would be served by prosecuting the petitioner under Section 174A 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 174A IPC against the petitioner was quashed.

3. 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 petitioners deserved to be declined.

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

5. The petitioner was declared proclaimed offender 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 Admittedly, the said complaint was withdrawn after the parties arrived at a compromise.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 174A IPC would serve no useful purpose.

6. Accordingly, the present petition is allowed and FIR registered under Section 174A IPC and all consequential proceedings arising therefrom are quashed.

07.07.2023

Vinay

(MANJARI NEHRU KAUL)

JUDGE

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