

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

121

CRM-M-24577-2023

Date of Decision : 15.05.2023

Baljinder Singh @ Sonu

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present : Mr. Kushager Goyal, Advocate for the petitioner.

ASHOK KUMAR VERMA, J. (ORAL)

1. The petitioner has filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.506 dated 06.10.2022 registered under Section 174-A of the Indian Penal Code, 1860 at Police Station Sadar Sirsa, District Sirsa arising out of complaint bearing No.NACT-1223-2021 tilted as 'Jagdev Singh Vs. Baljinder Singh @ Sonu' filed under Section 138 of the Negotiable Instruments Act, 1881.

2. Learned counsel for the petitioner submits that during pendency of the above-said complaint, the petitioner had failed to appear before the trial Court and he was declared proclaimed person vide order dated 27.09.2022 and in compliance of the said order the concerned police lodged the above-said FIR against the petitioner. Now, the matter has been compromised between the parties and the complaint case has been dismissed as withdrawn vide order dated 05.04.2023 passed by the trial Court. In view of the fact that the complaint case has

already been dismissed as withdrawn, continuance of the proceedings under Section 82 of the Cr.P.C. would not be in the interest of justice. Therefore, the present FIR registered under Section 174-A of the IPC against the petitioner may be quashed.

3. Notice of motion.

4. On the asking of the Court, Mr. Munish Sharma, D.A.G., Haryana, who is present in the Court, has accepted notice on behalf of respondent No.1-State.

5. At this stage, Ms. Pallavi Babbar, Advocate has put in appearance on behalf of respondent No.2/complainant and filed her power of attorney in the Court which is taken on record.

6. Learned counsel for respondent No.2/complainant admits the factum of compromise and submits that respondent No.2/complainant has no objection if the present FIR has been quashed.

7. In view of submissions made by learned counsel for the petitioner and the fact that the complaint case has already been dismissed as withdrawn vide order dated 05.04.2023 passed by the trial Court, the present petition is allowed and order dated 27.09.2022 (Annexure P-4) declaring the petitioner as proclaimed person as well as FIR No.506 dated 06.10.2022 (Annexure P-1) and all subsequent proceedings arising therefrom are ordered to be quashed.

15.05.2023

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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No