

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

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2023:PHHC:085955

CRM-M No.29385 of 2023

Date of decision: July 7th, 2023

Deepak Boora

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Govind Mor, Advocate
for the petitioner.

Mr. Aashish Bishnoi, Deputy Advocate General, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

The instant petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.0650 dated 09.07.2018 (Annexure P-3) under Section 174-A of the IPC registered at Police Station Hisar Sadar, District Hisar, 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the complaint under Section 138 of the Negotiable Instruments Act, 1881 (for short, 'the NI Act') stands dismissed as withdrawn vide order dated 30.11.2019 on account of the parties having arrived at an amicable settlement as the petitioner had since deposited the amount in question. In support, learned counsel has placed on record a copy of the order dated 30.11.2019 of JMIC, Exclusive Court N.I. Act, Hisar, wherein the aforesaid fact stands reflected and observed. The said copy is taken on record subject to just exceptions. A prayer, therefore, has been made that in the 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. 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.

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

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 Admittedly, the said complaint was withdrawn after the parties arrived at a compromise.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

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

July 7th, 2023

Puneet

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No