

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

CRM-M-28883 of 2023

Date of decision: 18th July, 2023

Mohd. Shakeel

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: None for the petitioner.
Mr. Rajiv Sidhu, DAG, Haryana.

AVNEESH JHINGAN, J (Oral):

1. This is a petition seeking quashing of FIR No. 145 dated 30.1.2017, under Section 174-A IPC, registered at Police Station Jagadhri City, District Yamuna Nagar as well as consequential proceedings arising therefrom.

2. The brief facts are that the complainant being Branch Manager of Punjab and Sindh Bank, Yamuna Nagar filed a complaint under Section 138 of the Negotiable Instruments Act, 1881 (for short 'the Act'). During the proceedings, the petitioner was declared as proclaimed person and the FIR was registered. The dispute in the complaint under Section 138 of the Act was resolved by way of compromise. The complaint was withdrawn. Hence, this petition for quashing of FIR under Section 174-A IPC.

3. From the pleadings, it is forthcoming that the main petition under Section 138 of the Act stands withdrawn by the complainant.

4. This Court in *Vikas Sharma vs. Gurpreet Singh Kohli and another (supra)*, 2017, (3) L.A.R. 584, *Microqual Techno Limited and others Vs. State of Haryana and another*, 2015 (32) RCR (Crl.) 790 and *Rajneesh Khanna Vs. State of Haryana and another*” 2017(3) L.A.R. 555, in an identical circumstance, held that since the main petition filed under

Section 138 of the Act stands withdrawn in view of an amicable settlement between the parties, therefore, continuation of proceedings under Section 174-A of IPC shall be nothing but an abuse of the process of law.

5. Learned State counsel is not disputing the fact that the complaint under Section 138 of the Act stands withdrawn.

6. There is no dispute that complaint under Section 138 of the Act was withdrawn. Continuation of proceedings under Section 174-A IPC would be an abuse of process of law. Considering the facts and circumstances of the case in totality and the judgments relied upon by the petitioner, FIR mentioned above and all subsequent proceedings arising therefrom are quashed.

7. Since the main case has been decided, the pending application, if any is rendered infructuous.

[AVNEESH JHINGAN]
JUDGE

18th July, 2023
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1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No