

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

118

CRM-M-33226-2023

Date of decision: 13.07.2023

Shivraj Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Neeraj Madaan, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.0050 dated 29.02.2020 (Annexure P-1) under Section 174-A of the IPC registered at Police Station City Fazilka, District Fazilka and all consequential proceedings arising therefrom.

2. Learned counsel for the petitioner, at the outset, has drawn the attention of this Court to order dated 11.12.2021 (Annexure P-5) wherein it stands reflected that in view of a statement made by the complainant, the complaint under Section 138 of the Negotiable Instruments Act, 1881 (for short, 'the NI Act') was dismissed as withdrawn on the basis of a compromise. A prayer, therefore, has been made that in the aforementioned 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. Notice of motion.

4. On asking of the Court, Mr. Amit Rana, Sr. DAG, Punjab accepts notice on behalf of respondent No.1-State.

5. 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.

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

7. 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 Admittedly, the said complaint was withdrawn after the parties arrived at a compromise.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.

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

13.07.2023

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(MANJARI NEHRU KAUL)
JUDGE

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