

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

CRM-M-47658-2022
Date of Decision:-**02.03.2023**

MANISH BANSAL

... Petitioner

Versus

STATE OF HARYANA

... Respondent

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Mohit Kakkar, Advocate
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

-.-

KARAMJIT SINGH, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No.640 dated 27.11.2021 which was registered under Section 174-A IPC at Police Station Sirsa City, District Sirsa and all the subsequent orders thereof.

Counsel for the petitioner submits that there was monetary dispute between the private parties and very basis of the instant FIR i.e. complaint filed under Section 138 Negotiable Instruments Act stands withdrawn vide order passed by Judicial Magistrate Ist Class, Sirsa dated 11.12.2021 (Annexure P-3), therefore nothing will survive in keeping the superstructure alive.

Counsel for the State, on the other hand, has opposed the present petition and has submitted that no ground is made out to quash the impugned FIR which has been correctly registered at the instance of the Court concerned.

I have considered the submissions made by the counsel for the parties.

Undoubtedly, the impugned FIR is offshoot of the proceedings under Section 138 of Negotiable Instruments Act which were initiated at the instance of the Andhra Bank. The said proceedings under Section 138 of Negotiable Instruments Act have already attained finality as the parties entered into compromise and the criminal complaint under Section 138 of Negotiable Instruments Act was dismissed as withdrawn vide order dated 11.12.2021 (Annexure P-3).

In view of the matter, since the main complaint filed under Section 138 of Negotiable Instruments Act stands withdrawn the matter being compromised between the parties, therefore, continuation of the proceedings under Section 174-A IPC would be nothing but an abuse of the process of law.

In light of above, I find merit in the present petition and accordingly, the present petition is allowed and FIR No.640 dated 27.11.2021 which was registered under Section 174-A IPC at Police Station Sirsa City, District Sirsa and all other subsequent proceedings arising thereof are hereby quashed qua the petitioner.

(KARAMJIT SINGH)
JUDGE

02.03.2023
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No