

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

133

2023:PHHC:141842

CRM-M-55177-2023

Date of decision: November 7th, 2023

Bookmark Education Services Pvt. Ltd. and another

.....Petitioners

Versus

State of Union Territory of Chandigarh and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Jatin Bansal Kotshamri
and Mr. Ramandeep Singh Gill, Advocates
for the petitioners.

MANJARI NEHRU KAUL, J. (ORAL)

The instant petition has been filed under Section 482 Cr.P.C. for quashing of order dated 21.01.2023 vide which petitioner was declared proclaimed person in complaint No.NACT/321 of 2021 dated 13.01.2021 under Section 138 of the Negotiable Instruments Act on the basis of compromise dated 02.09.2023 (Annexure P-3).

2. Learned counsel for the petitioners, at the outset, has drawn the attention of this Court to order dated 09.09.2023 (Annexure P-4), wherein it stands reflected that in view of a statement made by the complainant, the complaint was dismissed as withdrawn. 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. Manish Bansal, Public Prosecutor, U.T. Chandigarh, accepts notice on behalf of respondent No.1.

5. Mr. Kapil K. Gupta, Advocate, has filed power of attorney on behalf of respondent No.2, which is taken on record. He does not dispute the submissions made by the learned counsel for the petitioners.

6. I have 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 Admittedly, the said complaint was withdrawn after the parties arrived at a compromise.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.

November 7th, 2023

Puneet

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No