

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-10197 of 2024(O&M)
Date of Decision: 26.02.2024

Abhishek Sekhawat
...Petitioner
Versus
State of Haryana & Anr.
...Respondents

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Ms. Harpreet Kaur, Advocate
For the petitioner.

Mr. Neeraj Sheoran, DAG Haryana

KARAMJIT SINGH, J.

1. The present petition has been filed by petitioner Abhishek Sekhawat seeking quashing of FIR No. 130 dated 21.03.2023 under Section 174-A IPC, Police Station Central Faridabad (Annexure P-2).
2. Brief facts of the case are that HDFC Private Limited filed criminal complaint under Section 138 of Negotiable Instruments Act (for short, NI Act) against the petitioner wherein the petitioner got absented and was declared proclaimed person and consequently impugned FIR (Annexure P-2) was registered against the petitioner.
3. The counsel for the petitioner submits that after the registration of the impugned FIR the petitioner made payment of entire dues to HDFC Private Limited and the criminal complaint filed under Section 138 NI Act was dismissed as withdrawn by the complainant vide order dated 04.07.2023 (Annexure P-6). The counsel for the petitioner further submits that the

impugned FIR (Annexure P-2) being off-shoot of the aforesaid complaint, is unsustainable and deserves to be set aside.

4. Notice of motion.

5. Mr. Neeraj Sheoran, DAG Haryana accepts notice on behalf of respondents and submits that the present petition be disposed of in the light of order dated 04.07.2023 (Annexure P-6).

6. From the perusal of Annexures P-3 to P-6, it is apparent that in the main criminal complaint filed by HDFC Private Limited under Section 138 NI Act, the matter was compromised and finally the said complaint was dismissed as withdrawn vide order dated 04.07.2023 (Annexure P-6). It being so, the impugned FIR which is also result of aforesaid criminal complaint is not sustainable and deserves to be quashed.

7. In light of above, the present petition is allowed without expressing any opinion on the merits of the case and the impugned FIR (Annexure P-2) is hereby quashed.

26.02.2024
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(KARAMJIT SINGH)
JUDGE

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