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

CRM-M-18394-2024

Date of decision: 29.04.2024

Balwinder Pal

...Petitioner

Versus

State of U.T. Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. J.P. Singh, Advocate for the petitioner.

Mr. J.S. Toor, Addl., P.P., U.T. Chandigarh.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner seeking quashing of FIR No.39 dated 21.01.2023 Annexure P-1, registered under Section 174-A IPC, at Police Station Sector-36, Chandigarh as well as all the consequential proceedings arising therefrom.

2. The counsel for the petitioner submits that M.R Finlease Limited filed criminal complaint under Section 138 NI Act against petitioner and therein, petitioner was declared as proclaimed person and consequently, impugned FIR Annexure P-1 was registered under Section 174-A, IPC against the petitioner. The counsel for the petitioner further submits that subsequently, the matter was compromise between the parties and the petitioner made payment of entire settled amount and resultantly, aforesaid criminal complaint titled M.R Finlease Vs. Balwinder Pal was dismissed as withdrawn vide order dated 26.05.2023 Annexure P-3. It is

further submitted that the finance company has also issued no due certificate dated 02.09.2023, copy of the same is taken on record. It is further submitted that the impugned FIR being arising out of aforesaid criminal complaint is not sustainable in the eyes of law and be quashed.

3. Counsel appearing on behalf of U.T. submits that the dispute is between two private parties with regard to dishonor of certain cheque. He further submits that present petition be disposed of in accordance with law, in the light of the fact that the main case is already dismissed as withdrawn.

4. It is apparent that matter has been compromised between petitioner and the finance company and criminal complaint having NACT/4118/2017 titled M.S. Finlease Vs. Balwinder Pal under Section 138 NI Act is already withdrawn against the petitioner vide order dated 26.05.2023 Annexure P-3. It being so, impugned FIR Annexure P-1 which is being result of aforesaid criminal complaint, cannot be sustained.

5. For the foregoing reasons, the present petition is hereby allowed and impugned FIR No. 39 dated 21.01.2023 Annexure P-1 registered under Section 174-A IPC at Police Station Sector-36, Chandigarh is hereby set aside, qua the petitioner.

6. The present petition stands disposed of in aforesaid terms.

29.04.2024
Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No