

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-39387-2024
Date of decision: August 14th, 2024

Rajesh Kumar
.....Petitioner

Versus

State of Haryana
.....Respondent

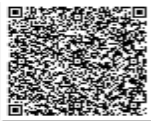
CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Amit Kohar, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

The instant petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) for quashing of FIR No.187 dated 15.04.2021 under Section 174-A of the IPC registered at Police Station Hisar City 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 04.04.2024 (Annexure P-4) passed by this Court, wherein it stands reflected that in view of a compromise arrived at between the parties, the offence under Section 138 of the N.I. Act was compounded and the impugned judgment of conviction and order of sentence were set aside. 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



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174-A of the IPC against the petitioner was quashed.

- 3. Notice of motion.
- 4. On asking of the Court, Ms. Trishanjali Sharma, Deputy Advocate General, Haryana, accepts notice on behalf of the respondent.
- 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. I have heard learned counsel for the parties and perused the relevant material on record.
- 7. The petitioner was declared a proclaimed person in a complaint case under Section 138 of the NI Act. Admittedly, in view of a compromise arrived at between the parties, the offence under Section 138 of the N.I. Act was compounded and the impugned judgment of conviction and order of sentence were set aside. 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.

August 14th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No