CRM-M-46889 of 2022

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-46889 of 2022
Date of decision: 31.10.2022

Suresh Kumar

......Petitioner

vs.

The State of Punjab and another

......Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Gaurav Datta, Advocate, for the petitioner.
Mr. G.S. Sandhu, Deputy Advocate General, Punjab.

ASHOK KUMAR VERMA, J. (ORAL)

Through this petition under Section 482 Cr.P.C. prayer has been made for quashing FIR No.139 dated 10.12.2016 registered under Sections 380, 120-B IPC at Police Station Dehlon, District Ludhiana, and all subsequent proceedings taken in pursuance thereof.

Learned counsel for the petitioner submits in a complaint filed by the petitioner under Section 138 of the Negotiable Instruments Act, respondent No.2 was convicted and sentenced to undergo imprisonment for a period of two years vide judgment of conviction and order of sentence dated 10.12.2018. Respondent No.2 preferred appeal against the said judgment of conviction and order of sentence. He submits that during the pendency of appeal matter was amicably settled and both the parties agreed to withdraw all the proceedings pending against each other. On the basis of said settlement, judgment of conviction and order of sentence were set aside and respondent No.2 was acquitted vide order

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dated 15.02.2020 by the Additional Sessions Judge, Fatehgarh Sahib. Learned counsel submits that respondent No.2 is not abiding by the settlement as he has not withdrawn the present FIR.

I have heard learned counsel for the petitioner and perused the paperbook.

Without commenting upon the merits of the case, this petition is disposed of with liberty to the petitioner to move appropriate application before the Additional Sessions Judge, Fatehgarh Sahib, within 15 days from today. In case such an application is moved by the petitioner, same shall be decided by the Court expeditiously in accordance with law.

October 31, 2022   **(ASHOK KUMAR VERMA)**
R.S.   **JUDGE**

Whether speaking/reasoned   Yes/No

Whether Reportable   Yes/No