



CRM-M-63802-2024(O&M)

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

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CRM-M-63802-2024(O&M)

Decided on : 30.04.2025

Bhawani Shankar Harishchander Sharma

. . . Petitioner

Versus

State of Haryana and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Aditya Sharma, Advocate for the petitioner.

Mr. Kanwar Sanjiv Kumar AAG, Haryana.

SANJAY VASHISTH, J. (Oral)

1. Petitioner-Bhawani Shankar Harishchander Sharma, has filed present petition seeking quashing of FIR No. 843 dated 09.10.2019, under Section 174-A IPC, registered at Police Station Panipat City, Haryana, in pursuance to the complaint filed by respondent No.2 under Section 138/142 of the Negotiable Instruments Act.
2. Noticing the submissions of the petitioner's counsel, on 06.02.2025, following order was passed:

“ Present application has been filed under Section 528 of BNSS, seeking preponement of the date of hearing of the main case, which is fixed for 30.04.2025.

Learned counsel for the applicant-appellant submits that in the complaint filed under Section 138 of the Negotiable Instruments Act, 1881, monetary dispute between the parties has already been settled and as per settlement, petitioner(accused) has to make payment of Rs.12,00,000/- (twelve lacs only) to the complainant by way of demand draft. Counsel submits that demand draft for a sum of Rs.12,00,000/- (twelve lacs only) is ready, but same is yet to be handed over to respondent-complainant.

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Since, prayer in the main case before this Court is for quashing of FIR No. 843 dated 09.10.2019, under Section 174-A IPC, registered at Police Station Panipat City, Haryana, the settlement can be entertained only if some material is placed on record. Therefore, there being no material/documents available on record, no ground for preponement is made out, same is hereby dismissed.

However, it would be open for the applicant-petitioner to file a fresh appropriate application, in accordance with law, alongwith all the documents which are required to be taken into consideration in reference to the submissions.”

3. Learned counsel for the petitioner submits that the present petition has been filed, relying upon the settlement between the parties i.e. petitioner and respondent No.2, however, in the midst of the proceedings of the complaint case, respondent No.2 has retracted from the compromise despite receiving an amount of Rs.20 lacs out of the total settled amount of Rs.50 lacs, whereas the cheque amount in the complaint is Rs.33, 17, 435/-.

Therefore, counsel prays for withdrawal of the present petition with liberty to file a fresh quashing petition by challenging the registration of FIR No. 843 dated 09.10.2019, under Section 174-A IPC, on merits, by appending all the relevant documents.

4. In view of the above, present petition is dismissed as withdrawn with liberty as sought and recorded hereabove.

**(SANJAY VASHISTH)
JUDGE**

April 30, 2025

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No