

**CRM-M-9145-2018**

Date of decision: March 12, 2019

Surender @ Surender Verma

....Petitioner

Versus

State of Haryana

....Respondent

**CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**Present: Mr. Sudhir Rana, Advocate  
for the petitioner.

Mr. Arjun Singh Yadav, AAG, Haryana.

**ARVIND SINGH SANGWAN J. (Oral)**

Prayer made in the petition is for quashing of FIR No.527 dated 18.11.2016 under Section 174-A IPC registered at Police Station Model Town, Rewari and the order dated 2.5.2017 (Annexure P-1) vide which the charges were framed against the petitioner for committing the offence punishable under Section 174-A IPC.

Brief facts of the case are that one Rajesh son of Shyam Lal had filed a complaint under Section 138 of the Negotiable Instruments Act, 1881 (for short 'the N.I. Act') against the petitioner on account of dishonour of cheque. During the pendency of the petition, the petitioner settled the dispute with the complainant Rajesh Sharma on payment of the cheque amount and ultimately, a compromise was effected on 17.2.2018. However, in the intervening period, the petitioner absented himself from the Court proceedings under Section 138 of the N.I. Act and the trial Court vide order dated 2.5.2017 declared the petitioner a proclaimed offender and a direction was given to register an FIR under Section 174-A of the Indian Penal Code. The petitioner has appeared in the aforementioned FIR and is on regular bail.

Counsel for the petitioner has submitted that in pursuance of the compromise with the complainant-Rajesh Sharma, ultimately the complaint was withdrawn on 11.5.2018 (Annexure P-4).

In this order, it was noticed by the Additional Chief Judicial Magistrate, Rewari that the complainant-Rajesh Sharma has appeared and made statement and since he has compromised the matter with the present petitioner-accused Surender @ Surender Verma, he does not wish to prosecute the same and want to withdraw and, accordingly, the same was dismissed as withdrawn.

Reply filed by way of affidavit of DSP, Rewari is on record and the contention made by the petitioner are denied and it is stated that the petitioner intentionally absented himself from the proceedings pending under Section 138 of the N.I. Act.

In reply, learned counsel for the petitioner has relied upon 2015(32) RCR (Criminal) 790, Microqual Techno Limited Vs. State of Haryana, wherein, in similar circumstances, the proceedings under Section 174-A of the N.I. Act were quashed observing that since the main petition under Section 138 of the N.I.A. Act stands compromised and withdrawn, the prosecution of the petitioner will be nothing but abuse of process of law.

In view of the above, the petition is allowed. The impugned order dated 2.5.2017 as well as the FIR No.527 dated 18.11.2016 under Section 174-A IPC registered at Police Station Model Town, Rewari are, hereby, quashed, however, this will be subject to payment of costs of Rs.10,000/- to be deposited with the Legal Services Authority, Rewari.

**( ARVIND SINGH SANGWAN )**  
**JUDGE**

**March 12, 2019**  
*satish*

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