

202.

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

CRM-M-20665-2020

Date of decision: 07.12.2020.

JIWAN KUMAR

... Petitioner

versus

STATE OF PUNJAB AND ANR.

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Manav Bajaj, Advocate,
for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab,
for respondent No.1.

HARI PAL VERMA, J.(Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.0122, dated 29.11.2016 registered against the petitioner at Police Station Phool, District Bathinda, under Section 174-A of IPC as well as all the consequential proceedings arising therefrom.

Counsel for the petitioner has argued that in a private complaint preferred by respondent No.2, on account of non-appearance of the petitioner, the petitioner was declared as proclaimed person and accordingly, the present FIR was directed to be registered against him under Section 174-A IPC by the trial Court. He submits that as recorded in the order dated 20.11.2015 (Annexure P-5), notice issued to the present petitioner was duly served in the case but he has not come present despite service. Thereafter,

non-bailable warrants were issued, but he was never served with the non-bailable warrants which led to the passing of the order dated 18.11.2016 (Annexure P-15). He submits that even otherwise, the matter has been compromised between the parties. The complainant has withdrawn his complaint on 06.10.2020. He refers to the panchayati settlement (Annexure P-17) entered between the complainant and the petitioner.

Learned State counsel submits that the petitioner was duly served with the notice in the case as reflected in the order dated 20.11.2015 and therefore, he cannot pursue the present petition.

At this stage, Mr. Sushil K. Sharma, Advocate, has put in appearance on behalf of respondent No.2 and states that the matter has been compromised between the parties.

Heard.

In *Vikas Sharma Versus Gurpreet Singh Kohli and another-2017(3) LAR 584, Microqual Techno Limited and others Versus State of Haryana and another-2015(32) RCR (Criminal) 790, Rajneesh Khanna Versus State of Haryana and another-2017(3) LAR 555*, this Court has held that since the main petition filed under Section 138 of Negotiable Instruments Act has been withdrawn in view of an amicable settlement between the parties, therefore, the continuation of proceedings under Section 174-A of IPC shall be nothing but an abuse of process of law.

Considering the fact that the present FIR has arisen on the basis of a complaint filed by respondent No.2 under Section 138 of Negotiable Instruments Act read with Section 142 of Negotiable Instruments Act and 420 of IPC and since the matter has been compromised between the parties

and the complainant has withdrawn the complaint, this Court finds that continuation of the proceedings including the present FIR is nothing but an abuse of process of law. The proceedings under Section 138 of Negotiable Instruments Act are otherwise summary in nature.

In view of above, the present petition is allowed and the FIR No.0122, dated 29.11.2016 registered against the petitioner at Police Station Phool, District Bathinda, under Section 174-A of IPC as well as all the consequential proceedings arising therefrom, are quashed, however, that would be subject to payment of costs of Rs.10,000/- to be deposited with the High Court Bar Association in the Lawyers' Welfare Fund, within one month from today.

(HARI PAL VERMA)
JUDGE

07.12.2020
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No