

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

**CRM-M-42322-2021
Date of decision : 23.11.2021**

Chanderhass

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Aditya Sanghi, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for quashing of FIR No.54 dated 04.02.2020, registered under Section 174-A IPC at Police Station Bawal, District Rewari (Annexure P-1) and for setting-aside the order dated 13.11.2019 (Annexure P-5), vide which the petitioner has been declared a proclaimed person.

On 12.10.2021, while staying the operation of the impugned order dated 13.11.2019 (Annexure P-5) as well as the proceedings in the impugned FIR, the following order was passed:

“.....Counsel for the petitioner has argued that initially a complaint under Section 138 of the Negotiable Instruments Act was filed by the Rewari District Primary Co-operative Agricultural and Rural Development Bank Limited through Jagdish Kumar, and during the pendency of the said proceedings, since the service could not be effected on the petitioner, the Sub-Divisional Judicial Magistrate, Bawal, after issuing a proclamation, declared

the petitioner as proclaimed person vide order dated 13.11.2019 and then, directed to register an FIR under Section 174-A IPC.

Counsel for the petitioner has further submitted that later on, the petitioner appeared before the Lok Adalat and since there was a compromise between the petitioner and the complainant in the aforesaid complaint, the same was withdrawn on 11.09.2021, by passing the following order:-

“Today the case was fixed for consideration of the statement of complainant dated 03.09.2021 for compromise between the parties in Lok Adalat. Heard. In view of the statement made by complainant on dated 03.09.2021, regarding compromise between the parties, the present petition is hereby dismissed as withdrawn. Accused stand acquitted accordingly. His bail bonds and surety bonds also stand discharged. File be consigned to record room after due compliance.”

Counsel for the petitioner has, thus, submitted that no purpose will be served in putting the petitioner to face the trauma of trial in the present FIR, registered under Section 174-A IPC.

Notice of motion.”

Learned counsel for the petitioner has relied upon the decisions rendered by this Court in ***Microqual Techno Limited and others Vs. State of Haryana and another, 2015 (32) RCR (Crl.) 790*** and ***Rajneesh Khanna Vs. State of Haryana and another 2017(3) L.A.R. 555***, wherein, in an identical circumstance, this Court has held that since the main petition filed under Section 138 of the N. I. Act stands 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 the process of law.

Learned State counsel, on instructions from the Investigating Officer, has not disputed the factual position.

After hearing learned counsel for the parties, I find merit in the present petition.

Since the main complaint filed by the complainant under Section 138 of the N.I. Act itself stands dismissed as withdrawn by the trial Court keeping in view the fact that the matter stands compromised between the parties, this Court is of the opinion that continuation of proceedings under Section 174-A IPC shall be an abuse of process of law.

Accordingly, in view of the facts and circumstance of the case and also in view of the judgments relied upon by the petitioner, this petition is allowed and impugned FIR No.54 dated 04.02.2020, registered under Section 174-A IPC at Police Station Bawal, District Rewari (Annexure P-1) along with all the subsequent proceedings arising therefrom including the order dated 13.11.2019 (Annexure P-5), vide which the petitioner has been declared a proclaimed person, is hereby quashed.

23.11.2021

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No