

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

CRM-M-42341 of 2021 (O&M)

Date of Decision: November 8, 2021

Raj Kumar Ghai

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Amit Gupta, Advocate
for the petitioner.

Mr. Kuldeep Tiwari, Addl. AG Haryana.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.333 dated 05.03.2020, registered under Section 174-A of IPC at Police Station City Jagadhari, District Yamuna Nagar, being an abuse of process of law, as the present FIR has been arisen out of complaint under Section 138 of Negotiable Instrument Act instituted by the Canara Bank against the petitioner in which the petitioner has compromised the matter with the Bank and deposited the entire due amount i.e. Rs.4,08,000/- with the Bank and thereafter, the Bank had withdrawn the complaint filed under Section 138 of Negotiable Instrument Act on 01.10.2020.

Counsel for the petitioner herein would contend that the instant

FIR has been arisen out of a complaint filed by the Canara Bank under Section 138 of N.I. Act, which stood withdrawn on 01.10.2020 by the Bank on the ground that the matter has been compromised with the petitioner herein and the certificate issued by the Canara Bank in this regard is available on record as Annexure P-4. Counsel for the petitioner herein would argue that once the main case stood withdrawn on the basis of compromise arrived at between the parties, as such, continuation of criminal proceedings against the petitioner under Section 174-A of IPC is nothing but an abuse of process of law. In this regard, counsel for the petitioner relies upon judgment rendered by this court in the case of *Microqual Techno Limited and others vs. State of Haryana and another*, 2015(32) RCR (Criminal) 790.

Per contra, counsel appearing on behalf of the respondent-State is not in a position to dispute the law laid down by this court in the aforesaid judgment, as relied upon by learned counsel for the petitioner.

I have heard learned counsel for the parties and have also gone through the proceedings of the case.

It is not in dispute that the aforesaid FIR has arisen out of a criminal complaint filed by the Canara Bank against the petitioner under Section 138 of N.I. Act, which stood withdrawn on 01.10.2020 (Annexure P-5) by the Bank on the basis of compromise arrived at between the parties and No Dues Certificate issued by the bank in this regard is available on record as Annexure P-4. Under these circumstances, once the criminal complaint itself stood withdrawn by the Bank on the basis of compromise, continuation of the instant FIR under Section 174-A of IPC is nothing but

an abuse of process of law. In this regard, reliance has been placed upon judgment rendered by this court in the case of *Microqual Techno Limited and others vs. State of Haryana and another (supra)*.

Accordingly, the instant petition is allowed. FIR No.333 dated 05.03.2020, registered under Section 174-A of IPC at Police Station City Jagadhari, District Yamuna Nagar and all consequential proceedings arising therefrom, including the order dated 14.01.2020 are quashed qua the petitioner herein.

November 08, 2021
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No