

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

(Heard through VC)

CRM-M-47891 of 2021 (O&M)

Date of Decision: November 16, 2021

Jitender Singh

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Dinesh Arora, Advocate
for the petitioner.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.57 dated 12.03.2020, registered under Section 174-A of IPC at Police Station Safidon, District Jind, 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 respondent No.2-complainant against the petitioner in which the petitioner has compromised the matter and respondent No.2-complainant had withdrawn the complaint filed under Section 138 of Negotiable Instrument Act on 27.05.2020.

Counsel for the petitioner herein would contend that the instant FIR has been arisen out of a complaint filed by respondent No.2-complainant under Section 138 of N.I. Act, which stood withdrawn on

27.05.2020 on the ground that the matter has been compromised with the petitioner herein. Counsel for the petitioner herein would argue that once the main case stood withdrawn on the basis of compromise arrived at between the parties, as such, continuation of criminal proceedings against the petitioner under Section 174-A of IPC is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complaint filed by respondent No.2-complainant against the petitioner under Section 138 of N.I. Act, which stood withdrawn on 27.05.2020 (Annexure P-5) by respondent No.2-complainant on the basis of compromise arrived at between the parties. Under these circumstances, once the criminal complaint itself stood withdrawn by complainant-respondent No.2 on the basis of compromise, continuation of the instant FIR under Section 174-A of IPC is nothing but an abuse of process of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.57 dated

12.03.2020, registered under Section 174-A of IPC at Police Station Safidon, District Jind and all consequential proceedings arising therefrom, including the order dated 19.10.2019 are quashed qua the petitioner herein.

November 16, 2021
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No