

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

**CRM-M No.1573 of 2020
Date of Decision:- 23.05.2022**

Mukesh Kumar

....Petitioner

Vs.

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Vivek Aggarwal, Advocate
for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

None for respondent No.2.

KARAMJIT SINGH, J.(Oral)

Petitioner has filed the present petition for seeking quashing the FIR No.298 dated 27.8.2019(Annexure P-1) under Section 174-A IPC registered at Police Station Madhuban, District Karnal and further proceedings thereon pending in the court JMIC, Karnal.

Notice of motion was issued vide order dated 15.01.2020, however, none has put in appearance on behalf of respondent No.2 despite its due service.

Reply by way of an affidavit of Jai Singh, Deputy Supdt. Of Police, Gharaunda, filed on behalf of respondent No.1 by the State counsel is taken on record.

The counsel for the petitioner submitted that respondent No.2 Shree Jee Jee Grain Products Ltd. filed a criminal complaint against the petitioner under Section 138 of NI Act on account of dishonour of cheque. It is further submitted that in the said proceedings under Section 138 of NI Act the petitioner was declared proclaimed person and consequently impugned FIR under Section 174-A IPC was registered against the petitioner. The counsel further submitted that in the meantime compromise was effected between the petitioner and respondent No.2 and finally the aforesaid criminal complaint under Section 138 of NI Act was dismissed as withdrawn vide order dated 31.8.2019 (Annexure P-3) by the Court of JMIC, Karnal. The counsel further submitted that once the proceedings under Section 138 NI Act have been withdrawn then continuation of proceedings in the impugned FIR under Section 174-A IPC would be an abuse of the process of Court.

Counsel for the State on the other hand has opposed the present petition and submitted that no ground is made out to quash the impugned FIR.

I have considered the submissions made by the counsel for the petitioner and the State counsel.

None has appeared on behalf of respondent No.2 to controvert the fact of compromise which is stated to have been effected between the parties.

Undoubtedly, the impugned FIR is offshoot of the proceedings under Section 138 of Negotiable Instruments Act which were initiated at the instance of respondent No.2. The said proceedings under Section 138 of Negotiable Instruments Act have already attained finality as the parties entered into compromise and the criminal complaint under Section 138 of Negotiable Instruments Act was dismissed as withdrawn vide order dated 31.08.2019 (P-3).

In view of the matter, since the main complaint filed under Section 138 of Negotiable Instruments Act stands withdrawn the matter being compromised between the parties, therefore, continuation of the proceedings under Section 174A IPC would be nothing but an abuse of the process of law.

In light of above, I find merit in the present petition and accordingly, the present petition is allowed and the impugned FIR No.298 of 27.08.2019 under Section 174-A IPC Police Station Madhuban, District Karnal (Annexure P-1) and all other subsequent proceedings arising thereof are hereby quashed qua the petitioner.

Disposed of accordingly.

23.05.2022

P. Chawla

**(KARAMJIT SINGH)
JUDGE**

Whether reasoned / speaking?
Whether reportable?

Yes / No
Yes / No