

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

THROUGH VIDEO CONFERENCING

CRM-M-1965-2022 (O&M)

Date of decision: 15.3.2022

Irshad Anwar

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR.JUSTICE KARAMJIT SINGH

Present: Mr. Rohit Khullar, Advocate, for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

Mr. Sahil Parmar, Advocate, for respondent No.2.

KARAMJIT SINGH, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No.0377 dated 17.2.2020 (Annexure P-2) which was registered under Section 174-A IPC at Police Station Ambala City in pursuance to an order passed by JMIC, Ambala dated 26.11.2018 (Annexure P-3).

Counsel for the petitioner has submitted that respondent No.2- Ashwani Chadha filed a criminal complaint against the petitioner under Section 138 of Negotiable Instruments Act on account of dishonour of cheque. It is further submitted that in the said proceedings under Section 138 of Negotiable Instruments Act, the petitioner was declared proclaimed person vide order dated 26.11.2018 (Annexure P-3) and the Court concerned also gave directions to the local police to register FIR under Section 174A IPC against the petitioner. Consequently, the impugned FIR

effected between the petitioner and respondent No.2 and finally, the aforesaid criminal complaint filed under Section 138 of Negotiable Instruments Act was dismissed as withdrawn vide order dated 16.3.2020 (Annexure P-4) by the Court of JMIC, Ambala. Counsel for the petitioner further submitted that once the proceedings under Section 138 of Negotiable Instruments Act have been withdrawn, then continuation of the proceedings in the impugned FIR would be an abuse of the process of Court.

Counsel for the State, on the other hand, has opposed the present petition and has submitted that no ground is made out to quash the impugned FIR which has been correctly registered at the instance of the Court concerned.

Mr. Sahil Parmar, Advocate who is appearing on behalf of respondent No.2 has submitted that he has no objection if the present petition is allowed and the impugned FIR is quashed as the matter has already been compromised between the parties.

I have considered the submissions made by the counsel for 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 16.3.2020 (Annexure P-4).

In view of the matter, since the main complaint filed under

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 order dated 26.11.2018 (Annexure P-3) passed by JMIC, Ambala as well as FIR No.0377 dated 17.2.2020 (Annexure P-2) which was registered under Section 174-A IPC at Police Station Ambala City and all other subsequent proceedings arising thereof are hereby quashed.

(**KARAMJIT SINGH**)
JUDGE

March 15, 2022

Paritosh Kumar

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No