

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

**CRM-M-3561-2020
DECIDED ON: 8th SEPTEMBER, 2022**

JAGDHIR SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Amit Arora, Advocate
for the petitioner.

Mr. Aman Dhir, DAG, Punjab.

SANDEEP MOUDGIL, J

The instant petition under Section 482 Cr.P.C has been filed seeking quashing of FIR No. 399, dated 23.11.2019 (Annexure P-2), under Section 174-A IPC, Police Station Sadar Tarn Taran, District Tarn Taran and all subsequent proceedings arising therefrom.

Brief facts of the case are that a complaint under Sections 138, 141 and 142-B of the Negotiable Instruments Act (for short 'Act') was filed by The Tarn Taran Central Co-operative Bank Branch Daburji against the petitioner on account of dishonour of a cheque bearing No. "699813" dated 12.09.2018 amounting to Rs.90,000, drawn at Punjab and Sind Bank Branch Guru Ramdas Marg Tarn Taran in discharge of legal debt to clear arrears of CD loan amount.

During the pendency of the complaint, the petitioner was declared a proclaimed person vide order dated 13.08.2019 and it was also directed that an FIR be got registered under Section 174-A IPC.

In pursuance to the said order, the impugned FIR No.399, dated 23.11.2019 (Annexure P1) was registered against the petitioner.

Counsel for the petitioner has submitted that the complaint filed under Section 138 of the Negotiable Instruments Act has been withdrawn by the complainant in pursuance to the compromise arrived at between the petitioner and the complainant-Bank. In view of the statement made by the complainant before the trial Court, the main complaint was dismissed as withdrawn.

Counsel for the petitioner has further submitted that later on, when the petitioner came to know about the pendency of FIR, he put an appearance in the complaint case and was released on bail.

Counsel for the petitioner has relied upon the judgment ***“Microqual Techno Limited and others vs State of Haryana and another”***, 2015(32) RCR (Criminal) 790, wherein in similar circumstances, this Court has held that when an FIR is registered under Section 174-A of the Code on account of the fact that the accused person is declared as proclaimed offender and later on, in the proceedings under the Negotiable Instruments Act, the matter has been compromised and the complaint stood compromised, the continuation of the proceedings under Section 174-A of the Code will be nothing but an abuse and misuse of process of law and the FIR was quashed.

In the instant case, it is submitted by the petitioner that since the petitioner has already appeared before the trial Court and the order declaring him as proclaimed offender has rendered nullified. The complaint has been withdrawn by the complainant, on receiving the entire payment, the prosecution of the petitioner under Section 174-A IPC will not serve any purpose as it was registered on the direction of the trial Court while declaring him a proclaimed offender.

Counsel for the State, has not disputed the factual position and has submitted that the petitioner was liable to be proceeded criminally as he had deliberately not appeared before the trial Court.

Heard.

A perusal of the relevant extract of the above judgment would show that there the main case was dismissed as withdrawn, it was observed that the continuation of proceedings under Section 174-A IPC shall be an abuse of process of Court.

In the present case, the complaint under Section 138 of the Act has been withdrawn. Once the main case has been withdrawn, then the continuation of the prosecution in the FIR under Section 174-A IPC would be an abuse of process of Court.

The petitioner has already appeared before the trial Court and was granted bail and later on, he has compromised the matter with the complainant-Bank, which had filed the complaint under Section 138 of the Negotiable Instruments Act and later on, it was withdrawn by the complainant-Bank. Therefore, in view of the judgment passed by this Court

in Microqual Techno Limited and others (supra), this petition is allowed,
FIR No. 399, dated 23.11.2019 (Annexure P-2) registered under Section
174- A IPC at Police Station Sadar Tarn Taran, District Tarn Taran is,
hereby, ordered to be quashed.

8th SEPTEMBER, 2022
sham

(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>