

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

CRM-M-4412-2020 (O&M)
Date of Decision:-23.03.2022

SACHIN JAIN

... Petitioner(s)

Versus

STATE OF PUNJAB AND ANOTHER

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Sushant Kohli, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

Mr. Parnav Handa, Advocate
for respondent No.2.

KARAMJIT SINGH, J. (Oral)

Case has been heard through video conferencing on account of
COVID-19 Pandemic.

CRM-6185-2021

Allowed as prayed for subject to all just exceptions.

Main Case

This is a petition under Section 482 Cr.P.C. for quashing of FIR
No.189 dated 24.11.2017 which was registered under Section 174-A IPC at
Police Station Navi Bardari, District Jalandhar and all the subsequent orders
thereof.

Counsel for the petitioner has submitted that petitioner-Sachin filed criminal complaint against respondent No.2-Daljit Singh 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 respondent No.2 was declared proclaimed person and the Court concerned gave directions to the local police to register FIR under Section 174A IPC against the respondent No.2. Consequently, the impugned FIR was registered. It is further submitted that in the meantime, compromise was effected between the parties and finally, the aforesaid criminal complaint filed under Section 138 of Negotiable Instruments Act was dismissed as withdrawn vide order dated 3.10.2019 (Annexure P-2) by the Court of JMIC, Jalandhar. 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the petitioner further submitted that once the proceedings under Section 138 of Negotiable Instruments Act have been withdrawn, then continuation of the proceedings in the impugned FIR would be an abuse of the process of Court.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. Parnav Handa, 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 the petitioner. 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 3.10.2019 (Annexure P-2).

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 174-A 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 FIR No.189 dated 24.11.2017 which was registered under Section 174-A IPC at Police Station Navi Bardari, District Jalandhar and all other subsequent proceedings arising thereof are hereby quashed qua respondent No.2.

(KARAMJIT SINGH)
JUDGE

23.03.2022
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No