

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

CRM-M-6038-2020

Date of Decision : 29.08.2022

Sunil Sharma

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Kartik, Advocate
for Mr. Neeraj Sheoran, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

PANKAJ JAIN, J(ORAL)

This is a petition filed under Section 482 of the Code of Criminal Procedure, seeking quashing of the order dated 31.05.2016 vide which the petitioner was declared as proclaimed offender on remaining absent in the proceedings under Section 138 of the Negotiable Instruments Act (in short 'the Act').

The said proceedings have finally terminated in FIR No.1359 dated 13.12.2016, registered under Section 174-A IPC.

Learned counsel for the petitioner submits that the main complaint filed under Section 138 of the Negotiable Instruments Act stands satisfied. The parties reached at a compromise. Consequently, the said complaint was withdrawn. He relies upon Annexure P-3 and P-

4 i.e. the statement suffered by the complainant and consequential order passed by National Lok Adalat, Gurugram. Counsel thus submits that in view of the fact that main proceedings under Section 138 of the Act stand satisfied and compromise has been effected between the parties, the present FIR under Section 174-A IPC which was initiated with an objective to secure the presence of the petitioner would be nothing but a prolonged ordeal.

Learned State counsel is not in a position to dispute the factual position. However, he submits that the present FIR registered under Section 174-A IPC will be a separate proceeding. Compromise qua the complaint under Section 138 of the Act will have no bearing on the present FIR.

The question raised by learned State counsel stands answered by this Court vide order dated 29.01.2019, passed by Co-ordinate Bench of this Court in **CRM-M-43813-2018** titled as **Baldev Chand Bansal vs. State of Haryana and another** wherein it was held as under:-

“Prayer in this petition is for quashing of FIR No.64 dated 15.02.2017 filed under Section 174-A of the Indian Penal Code registered at Police Station Sector-5, Panchkula and all other subsequent proceedings arising thereof as well as order dated 24.10.2016 passed by the trial Court vide which a direction was issued to register the aforesaid FIR.”

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Learned counsel for the petitioner has relied upon the decisions rendered by this Court in “ Vikas Sharma vs. Gurpreet Singh Kohli and another (supra), 2017, (3) L.A.R.584, Microqual Techno Limited and others Vs. State of Haryana and another, 2015 (32) RCR (Crl.) 790 and “Rajneesh Khanna Vs. State of Haryana and another” 2017(3) L.A.R. 555 wherein in an identical circumstance, this Court has held that since the main petition filed under Section 138 of the Act stands withdrawn in view of an amicable settlement between the parties, therefore, continuation of proceedings under Section 174A of IPC shall be nothing but an abuse of the process of law.

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In view of the same, I find merit in the present petition and accordingly, present petition is allowed and the impugned order dated 24.10.2016 passed by Judicial Magistrate, 1st Class, Panchkula as well as FIR No.64 dated 15.02.2017 registered under Section 174-A of the Indian Penal Code at Police Station Sector-5, Panchkula and all other subsequent proceedings arising thereof, are hereby quashed.”

Consequently, the present petition is allowed. FIR No.1359 dated 13.12.2016, registered under Section 174-A IPC, at Police Station City Gurgaon Sadar (Gurugram) and all proceedings subsequent thereto are hereby quashed qua petitioner.

29.08.2022
mamta

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No