

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No. 8756 of 2020
Reserved on : 17.05.2022
Pronounced on: 18.07.2022

Brijesh TandonPetitioner

Vs.

State of Punjab and anotherRespondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. D.K. Bhatti, Advocate for the petitioner.

Mr. H.S. Sitta, AAG, Punjab.

ANOOP CHITKARA J.

FIR No.	Dated	Police Station	Sections
154	25.03.2019	Faridabad Kotwali, Distt. Faridabad	174-A IPC

The petitioner, arraigned as accused in the above captioned FIR, has come up before this Court under Section 482 CrPC for quashing of the FIR and all consequential proceedings based on the compromise with the aggrieved person, in the main matter, failure to appear in which case led to the accused being declared a proclaimed offender and consequent registration of FIR under section 174-A of Indian Penal Code, 1860 (IPC).

2. During the pendency of the petition, the accused and the aggrieved person have compromised the main matter, and the documents supporting such claim are annexed with this petition as Annexures P-4, order dated 31-01-2020, vide which the complaint under section 138 of Negotiable Instruments Act was withdrawn and accordingly dismissed. This fact of the main matter being compromised remains undisputed before this court. After that, the petitioner came up before this Court to quash the FIR, and in the quashing.

3. Ld. counsel appearing for the State has strenuously opposed this petition and seeks its dismissal.

ANALYSIS & REASONING:

4. Despite the severe opposition of the State's counsel to this compromise, the fact remains that the primary matter was complainant under section 138 of NIA of dishonour of cheque, in which the petitioner had failed to appear and had led to the registration of FIR under Section 174-A IPC, stands settled and compromised. That being so, there would be no justification to continue the prosecution, which was to ensure the appearance of the accused in the said trial, and in my considered opinion, the continuation of the prosecution under section 174-A IPC after the settlement of the primary matter serves no purpose except the court's time which is already under extreme stress because of never-ending and continuously increasing workload.

5. In *Madan Mohan Abbot v. State of Punjab*, (2008) 4 SCC 582, Hon'ble Supreme Court holds,

[5]. It is on the basis of this compromise that the application was filed in the High Court for quashing of proceedings which has been dismissed by the impugned order. We notice from a reading of the FIR and the other documents on record that the dispute was purely a personal one between two contesting parties and that it arose out of extensive business dealings between them and that there was absolutely no public policy involved in the nature of the allegations made against the accused. We are, therefore, of the opinion that no useful purpose would be served in continuing with the proceedings in the light of the compromise and also in the light of the fact that the complainant has, on 11th January 2004, passed away and the possibility of a conviction being recorded has thus to be ruled out. We need to emphasise that it is perhaps advisable that in disputes where the question involved is of a purely personal nature, the Court should ordinarily accept the terms of the compromise even in criminal proceedings as keeping the matter alive with no possibility of a result in favour of the prosecution is a luxury which the Courts, grossly overburdened as they are, cannot afford and that the time so saved can be utilised in deciding more effective and meaningful litigation. This is a common sense approach to the matter based on ground of realities and benefit of the technicalities of the law.

6. In *Himachal Pradesh Cricket Association v State of Himachal Pradesh*, 2018 (4) Crimes 324, Hon'ble Supreme Court holds "[47]. As far as Writ Petition (Criminal) No. 135 of 2017 is concerned, the appellants came to this Court challenging the order of cognizance only because of the reason that matter was already pending as the appellants had filed the Special Leave Petitions against the order of the High Court rejecting their petition for quashing of the FIR/Chargesheet. Having regard to these peculiar facts, writ petition has also been entertained. In any case, once we hold that FIR needs to be quashed, order of cognizance would automatically stands vitiated."

7. Considering the entire facts, compromise, and in the light of the above-mentioned

judicial precedents, I believe that continuing these proceedings will not suffice any fruitful purpose whatsoever. In the facts and circumstances peculiar to this case, the Court invokes the inherent jurisdiction under section 482 CrPC and quashes the FIR and all subsequent proceedings qua the petitioner(s). The bail bonds of the petitioner are accordingly discharged. All pending application(s), if any, stand closed.

Petition allowed in the terms mentioned above.

(ANOOP CHITKARA)
JUDGE

18.07.2022
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Whether speaking/reasoned: Yes
Whether reportable: **No.**