

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-10874-2022

Date of Decision: September 27, 2022

Jyoti Manchanda and another

...Petitioners

Versus

State of Haryana

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Ashish Naik, Advocate for the petitioners

AMAN CHAUDHARY, J.

The present petition has been filed under Section 482 of Cr.P.C. for quashing of FIR No.96 dated 17.2.2020, registered under Section 174-A of the Indian Penal Code, 1860 at Police Station Kotwali, Faridabad alongwith subsequent proceedings arising therefrom.

Learned counsel for the petitioners submits that the proceedings under Section 138 of the Negotiable Instruments Act, 1881 were initiated against the petitioner by filing a complaint instituted by complainant on account of dishonor of cheque, on which the petitioners were summoned to face the trial. Learned counsel for the petitioners further submits that the petitioners had paid the due amount to the complainant. Thereafter, on 17.2.2022, the complainant moved an application before the trial Court to withdraw the case and in this regard he made a statement before the trial Court, wherein he stated that he had received the complete amount and nothing is due

towards the petitioners and he does not want to pursue the complaint. However, the learned trial Court adjourned the matter for 12.3.2022 and ordered to be put the matter before the Lok Adalat. Learned counsel for the petitioners has produced copy of the order dated 12.3.2022, passed by Lok Adalat, vide which on the basis of the statement of the complainant, learned JMIC, Presiding Officer, National Lok Adalat, Faridabad vide order dated 12.3.2022, granted the permission to withdraw his complaint filed against the present petitioners.

In support of his submissions, learned counsel places reliance upon the following judgments of various co-ordinate Benches of this Court to contend that in the similar set of facts and circumstances wherein the complaint filed under Section 138 of the Negotiable Instruments Act, 1881, itself stands withdrawn, the proceedings initiated under Section 174-A IPC were quashed being an abuse of process of law:-

- 1. “Murli Jha vs State of Haryana”, 2021(3) R.C.R.(Criminal)563.**
- 2. “Microqual Techno Limited and others vs State of Haryana”, 2015(3) R.C.R.(Criminal) 790.**
- 3. “Ram Kumar Rana vs State of Haryana and another”, 2022(1) R.C.R. (Criminal) 294.**
- 4. “Ashok Madan vs State of Haryana and another”, 2020(4) R.C.R. (Criminal) 87.**

Notice of motion.

At the asking of the Court, Mr. Gaurav Bansal, AAG,Haryana, accepts notice on behalf of the respondent-State and affirms the factum of compromise of the matter.

In this case, notice has not been issued to the complainant as he has not been impleaded as respondent party and as no order prejudicial to the rights of the complainant, is being proposed to be passed by this Court and issuance of notice would only further delay the matter, which would cause prejudice to the complainant and therefore, the present petition stands disposed of without issuance of notice to the complainant.

A Co-ordinate Bench in the case of **Murli Jha** (supra) held as under:-

“8. I have considered the rival submissions of the parties. The FIR is an outcome of the order declaring the petitioner as a proclaimed person in proceedings initiated under section 138 of NI Act which stands settled, the complaint has been withdrawn and the proceedings against the accused petitioner were dropped. In such circumstances, the continuation of prosecution under Section 174-A IPC in pursuance to the orders passed by the trial Court cannot be permitted to continue. Reference in this connection may be made to the judgments of this Court in *Microqual Techno R.C.R. (Criminal) 790*; *Rajneesh Khanna v. State of Haryana and another, 2017 (3) L.A.R. 555* and *CRM-M32612 of 2020, Surender Singh v. State of Haryana and another* decided on 12.01.2021. ”

Furthermore, in CRM-M-43813-2018 titled as "**Baldev Chand Bansal vs. State of Haryana and another**", decided on 29.01.2019 a Co-ordinate Bench of this Court has 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. 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.”

In view of the aforesaid facts and circumstances of the case that the complaint filed under Section 138 of the Negotiable Instruments Act, 1881, itself having been withdrawn, and in view of the judgment in cases of **Murli Jha** and **Baldev Chand Bansal** (supra), FIR No.96 dated 17.2.2020, registered under Section 174-A of the Indian Penal Code, 1860 at Police Station Kotwali, Faridabad is quashed, subject to payment of costs of Rs.10,000/- to be deposited with the Poor Patients' Welfare Fund at PGIMER, Chandigarh.

Disposed of.

September 27, 2022
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(AMAN CHAUDHARY)
JUDGE

Whether reasoned/speaking: Yes /No

Whether reportable: Yes/ No