

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

CRM-M-12848 of 2021(O&M)

Date of Decision:- 08.04.2022

Bhupinder Singh @ Pappu

....Petitioner

Vs.

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Rahul Vats, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

KARAMJIT SINGH, J.(Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No.58 dated 12.03.2020 which was registered under Section 174-A IPC at Police Station City Safidon, District Jind, Haryana and all the subsequent orders thereof.

Counsel for the petitioner has submitted that HDFC Bank filed criminal complaint under Section 138 N.I. Act against the petitioner on account of dishonor of cheque. It is further submitted that in the said proceedings under Section 138 of Negotiable Instruments Act, the petitioner was declared proclaimed person and the Court concerned got registered impuged FIR under Section 174A IPC against the petitioner. It is further submitted that in the

meantime, compromise was effected between the HDFC Bank and petitioner and finally, the aforesaid criminal complaint filed under Section 138 of Negotiable Instruments Act was dismissed as withdrawn vide order dated 20.11.2020 (Annexure P-21) by the Court of JMIC, Safidon. 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the petitioner further submitted that once the proceedings under Section 138 of Negotiable Instruments Act have been withdrawn, then continuation of the proceedings in the impugned FIR would be an abuse of the process of Court.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.

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 HDFC Bank. The said proceedings under Section 138 of Negotiable Instruments Act have already attained finality as the HDFC Bank entered into compromise with the petitioner and the criminal complaint under Section 138 of Negotiable Instruments Act was dismissed as withdrawn vide order dated 20.11.2020 (Annexure P-21).

In view of the matter, since the main complaint filed under Section 138 of Negotiable Instruments Act stands withdrawn the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.58 dated 12.03.2020 which was registered under Section 174-A IPC at Police Station City Safidon, District Jind, Haryana and all other subsequent proceedings arising thereof are hereby quashed qua the petitioner subject to payment of cost of Rs.7000/- by the petitioner to the Legal Services Authority (Committee) of this Court within 15 days.

08.04.2022

P. Chawla

**(KARAMJIT SINGH)
JUDGE**

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No