

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-11218-2022 (O&M)

Date of Decision: 19.7.2022

Amar Singh

....Petitioner

VERSUS

State of Haryana and another

....Respondents

**CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH**

Present: Mr. Munish Behl, Advocate,  
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

Mr. Parveen Sharma, Advocate,  
for respondent No.2.

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**KARAMJIT SINGH, J. (Oral)**

This petition has been filed by the petitioner for quashing for FIR No.22 dated 10.1.2022 registered under Sections 174-A IPC at Police Station Mahesh Nagar, District Ambala and the subsequent proceedings arising therefrom.

Counsel for the petitioner has submitted that respondent No.2- Neelam Kashyap filed criminal complaint against the petitioner under Section 138 of Negotiable Instruments Act on account of dishonour of cheque. It is further submitted that in the said criminal complaint, the petitioner was declared as proclaimed person and the Court concerned gave directions to Local Police to register FIR under Section 174-A IPC and consequently, impugned FIR was registered. It is further submitted that in the meantime, a compromise was effected between the parties and finally,

Instruments Act was dismissed as withdrawn by the trial Court.

Counsel for the petitioner further submitted that once the proceedings under Section 138 of Negotiable Instruments Act have been withdrawn, continuation of the proceedings in the impugned FIR would be an abuse of the process of Court.

State counsel has not disputed the fact regarding the compromise which has been effected between the petitioner and respondent No.2.

Mr. Parveen Sharma, Advocate appearing for respondent No.2 has admitted the fact that the aforesaid criminal complaint filed by respondent No.2 against the petitioner was dismissed as withdrawn as the matter was compromised. He further pleaded no objection if the present petition is allowed.

I have considered the submissions made by the counsel for the parties.

Admittedly, the complaint filed by respondent No.2 against the petitioner under Section 138 of Negotiable Instruments Act was withdrawn by respondent No.2 as the compromise was effected between both the parties. Undoubtedly, the impugned FIR is offshoot of the aforesaid proceedings under Section 138 of Negotiable Instruments Act which were initiated at the instance of respondent No.2.

In this 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, continuation of the proceedings under Section 174-A IPC would be nothing but an abuse of the process of

In view of above, I find merit in the present petition and accordingly, the present petition is allowed and FIR No.22 dated 10.1.2022 registered under Sections 174-A IPC at Police Station Mahesh Nagar, District Ambala and all the subsequent proceedings arising thereof are hereby quashed qua the petitioner.

( KARAMJIT SINGH )  
JUDGE

July 19, 2022  
Paritosh Kumar

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |