

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

CRM-M-12720-2022

Date of Decision:-28.03.2022

JASPAL SINGH

... Petitioner(s)

Versus

STATE OF PUNJAB AND ANOTHER

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Parshant Bansal, Advocate
for the petitioner

Ms. Samina Dhir, DAG, Punjab.

KARAMJIT SINGH, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No.226 of 11.9.2019 under Section 174-A IPC Police Station City Rajpura, District Patiala and all the consequential proceedings thereof.

The counsel for the petitioner submitted that respondent No.2 M/s Sarao Finance Company filed a criminal complaint against the petitioner under Section 138 of NI Act on account of dishonour of cheque. It is further submitted that in the said proceedings under Section 138 of NI Act the petitioner was declared proclaimed person vide order dated 3.8.2019 and consequently FIR under Section 174-A IPC was registered against the

petitioner. The counsel further submitted that in the meantime compromise was effected between the petitioner and respondent No.2 and finally the aforesaid criminal complaint under Section 138 of NI Act was dismissed as withdrawn vide order dated 31.1.2020 by the Court of JMJC Rajpura. The counsel further submitted that once the proceedings under Section 138 NI Act have been withdrawn then continuation of proceedings in the impugned FIR under Section 174-A IPC would be an abuse of the process of Court.

Counsel for the State on the other hand has opposed the present petition and submitted that no ground is made out to quash the impugned FIR.

Mr. Sandeep Sharma, Advocate has put in appearance on behalf of Mohinder Singh, who is the partner of M/s Sarao Finance Company submitted that he has no objection if the present petition is allowed and the impugned FIR is quashed as the matter has already been compromised between the parties.

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 respondent No.2. The said proceedings under Section 138 of Negotiable Instruments Act have already attained finality as the parties entered into compromise and the criminal complaint under Section 138 of Negotiable Instruments Act was dismissed as withdrawn vide order dated 31.1.2020.

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 174A 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 the impugned FIR No.226 of 11.9.2019 under Section 174-A IPC Police Station City Rajpura, District Patiala and all other subsequent proceedings arising thereof are hereby quashed qua the petitioner.

(KARAMJIT SINGH)
JUDGE

28.03.2022
Gaurav Sorot

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No