

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-14261-2022 (O&M)
Date of decision: 26.05.2022

Rajesh Gupta

... Petitioner

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. V.K. Gupta, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for quashing of FIR No.211 dated 17.03.2020 under Section 174-A of the Indian Penal Code (for short 'IPC'), registered at Police Station Sector-5, Panchkula and all the subsequent proceedings arising therefrom.

Learned counsel for the petitioner submits that initially, a complaint under Section 138 of Negotiable Instruments Act, 1881 was filed by M/s J&K Aluminum Company, in which the petitioner was arrayed as accused

No.3. It is further submitted that on account of non-appearance of the petitioner in the said proceedings, as he was never served, the trial Court, after declaring him proclaimed offender, directed the police to register an FIR under Section 174-A IPC and in pursuance thereof, impugned FIR was registered. It is also submitted that on coming to know about pendency of the proceedings, the petitioner approached the complainant and on 07.10.2020, a compromise was effected between them, in which the entire check amount was paid and thereafter, vide order dated 11.09.2021, complainant M/s JK Aluminum got the complaint dismissed as withdrawn before the National Lok Adalat.

Learned counsel has argued that the FIR was registered only because of the reason that the petitioner could not appear in the proceedings under Section 138 of N.I. Act and immediately thereafter, he made payment to the complainant in those proceedings, reflects that he has no intention to delay the proceedings. Learned counsel has relied upon **Vikas Sharma Vs. Gurpreet Singh Kohli and another, 2019(3) L.A.R. 584, Microqual Techno Limited and others Vs. State of Haryana and another, 2015 (32) RCR (Criminal) 790 and Rajneesh Khanna Vs. State of Haryana and another, 2017(3) L.A.R. 555**, to submit that the prosecution of the petitioner in pursuance of the present FIR under Section 174-A IPC shall be nothing, but misuse of process of law.

Learned State counsel has not disputed the factual position.

After hearing learned counsel for the parties and considering the aforesaid submissions, present petition is allowed and FIR No.211 dated

17.03.2020 under Section 174-A IPC, registered at Police Station Sector-5, Panchkula and all the other subsequent proceedings arising therefrom, are hereby quashed.

[ARVIND SINGH SANGWAN]
JUDGE

26.05.2022
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No