

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

CRM-M-14968-2021

Date of decision: 16.12.2022

Arvind Barar

.....Petitioner

versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Kamaldeep S. Sidhu, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

NAMIT KUMAR, J. (ORAL)

This petition has been filed under Section 482 Cr.P.C. seeking quashing of order dated 22.03.2018 (Annexure P-6) passed in criminal complaint bearing No. COMA/13482/2014 dated 07.07.2014 under Sections 29/31 read with Section 32 of the Industrial Disputes Act, 1947 (Annexure P-1), whereby, the petitioner was declared a proclaimed person and further seeking quashing of FIR No.594 dated 10.09.2019 under Section 174-A of IPC registered at Police Station Suraj Kund, Faridabad (Annexure P-11).

Learned counsel for the petitioner submits that the petitioner was not aware about the complaint pending against him and neither service could be effected upon him nor any warrants were served upon and for that reason, proceedings under Section 174-A IPC were initiated and FIR No.594 dated 10.09.2019 was registered.

He further submits that the main dispute which was under Sections 29/31 read with Section 32 of the Industrial Disputes Act, 1947, out of which, proceedings under Section 174-A of IPC have been emerged, had already been concluded vide order dated 06.11.2019 passed by the learned Chief Judicial Magistrate, Faridabad, as the matter had been

compromised between the parties. Relevant para of the said order is reproduced as under:-

“2. Accused has been heard on quantum of sentence. He stated that the workman has already compromised the matter with their company. He has already complied with the Award passed by learned Labour Court. He is not a previous convict. He prayed for taking a lenient view. Keeping in view the nature of offence and the fact that workman has compromised the matter with accused and accused regarding the Award in question and accused paid the amount to the workman, therefore, I take a lenient view and sentence the accused simple imprisonment till rising of court hours and to pay a fine in the sum of Rs.500/- (Rupees Five Hundred Only). In default of payment of fine he shall undergo simple imprisonment for five days. Fine has been paid against receipt. His bail bonds and surety bonds discharged.”

He submits that once the original proceedings have come to an end with the compromise between the parties, therefore, the present proceedings under Section 174-A of IPC arising out of the original proceedings should also come to an end. To support his contention he relies upon the judgment of this Court passed in 'Aditya Goyal vs. State of Haryana' CRM-M-11269-2019 decided on 07.05.2019.

In the above said judgment, this Court has quashed the proceedings under Section 174-A of IPC where the main proceedings have already been concluded. The relevant portion from **Aditya Goyal's case (Supra)** is as under:-

“Learned counsel for the petitioner has relied upon the decisions rendered by this Court in **Vikas Sharma vs. Gurpreet Singh Kohli and another (supra)**, 2017, (3) L.A.R. 584, **Microqual Techno Limited and others Vs. State of Haryana and another**, 2015 (32) RCR (Crl.) 790 and **Rajneesh Khanna Vs. State of Haryana and another**” 2017(3) L.A.R. 555, 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 174-A of IPC shall be nothing but an abuse of the process of law.

Learned State counsel, on instructions from the Investigating Officer, has not disputed the factual position.

After hearing learned counsel for the parties, I find merit in the present petition.

Since the main complaint filed by the complainant under Section 138 of the N.I. Act itself stands dismissed as withdrawn by the trial Court keeping in view the fact that petitioner has cleared the entire dues and on the direction of this Court, the petitioner has already appeared

before the Investigating Officer and has also deposited the cost of Rs.10,000/- with the Illaqa Magistrate, this Court is of the opinion that continuation of proceedings under Section 174-A IPC shall be an abuse of process of law.

Accordingly, in view of the facts and circumstance of the case and also in view of the judgments relied upon by the petitioner, this petition is allowed and order dated 03.12.2018 (Annexure P-1), passed by the trial Court in Criminal Complaint No. 1624/2017 dated 12.09.2017, filed under Section 138 of the N. I. Act, vide which, the petitioner has been declared a proclaimed person as well as other consequential proceedings arising therefrom including FIR No. 66 dated 01.02.2019, registered under Section 174-A IPC at Police Station Jagadhri City, District Yamuna Nagar (Annexure P-2) are hereby quashed.”

To the same effect, another judgment passed in 'Lakhwinder Singh versus State of Punjab' CRM-M-37155-2021 decided on 16.11.2021 also supports the present case.

Learned State counsel has not disputed the fact that the matter has been compromised and placed reliance on para (H) of the reply which is reproduced as under:-

“That the award in question already stood implemented by the management and, therefore, the learned CJM, Faridabad, vide his order dated 06.11.2019 (Annexure P-12) held the co-accused guilty and sentenced him with simple imprisonment till rising of the Court hours and also imposed fine of Rs.5,000/-. Presently, no more action is required to be taken by the answering respondents in pursuance of award dated 16.01.2013 passed by the learned Labour Court.”

A perusal of order dated 06.11.2019 passed by the learned Chief Judicial Magistrate, Faridabad, makes it clear that the matter has been settled between the parties. Consequently, no fruitful purpose would be served in continuing the proceedings under Section 174-A of IPC.

Consequently, the present petition is allowed and the impugned order dated 22.03.2018 (Annexure P-6) passed in criminal complaint bearing No. COMA/13482/2014 dated 07.07.2014 under Sections 29/31 read with Section 32 of the Industrial Disputes Act, 1947 (Annexure P-1), whereby, the petitioner was declared a proclaimed person and further FIR No.594 dated 10.09.2019 under Section 174-A of

IPC registered at Police Station Suraj Kund, Faridabad (Annexure P-11) and all subsequent proceedings arising therefrom, are hereby quashed, on the basis of compromise, *qua* the petitioner only.

16.12.2022
Neha

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No