

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

**CRM-M-13892-2022
Date of decision: 07.05.2022**

Babita Walia**...Petitioner**

Versus

State of Haryana**...Respondent****CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. Ivan Singh Khosa, Advocate and
Mr. Shivam Grover, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

By way of the present petition, filed under Section 482 Cr.P.C., the petitioner has prayed for quashing of FIR No. 104, dated 20.02.2022, under Section 174-A IPC at Police Station Sonipat City, District Sonipat and all the subsequent proceedings arising therefrom.

Learned counsel for the petitioner submits that a complaint bearing COMA/1424/2018 was filed under Section 138 N. I. Act by complainant Dena Bank against the petitioner on account of dishonoring of a cheque of Rs. 25 Lakh. During the pendency of the said proceedings as the petitioner was not served, the trial Court passed an order on 17.11.2021 that since the service on the petitioner is effected through publication under Section 82 Cr.P.C., therefore, she is declared a proclaimed person and the SHO of the Police Station concerned was directed to register an FIR under Section 174-A IPC against the petitioner.

Learned counsel for the petitioner further submits that before the

registration of the FIR, the petitioner put in appearance before the trial Court on 03.01.2022 and she was granted the concession of bail and later on, the matter was compromised between the petitioner and complainant-Dena Bank before the National Lok Adalat on 12.03.2022 and the complaint was dismissed as withdrawn.

Learned counsel for the petitioner, thus, submits that the present FIR, which was in fact registered after the appearance of the petitioner before the trial Court as she appeared as and when it came to her notice that proceedings under Section 138 N. I. Act are pending, there was no justification for registering the present FIR. Even otherwise, the matter stands compromised between the parties and the said complaint under Section 138 N. I. Act has already been dismissed as withdrawn.

Learned counsel for the petitioner further submits that the prosecution of the petitioner under the present FIR is nothing but the misuse of the process of law as there is no possibility of her conviction because the FIR was registered much after her appearance before the trial Court.

Learned State counsel has not disputed the factual position.

After hearing learned counsel for the parties, considering the aforesaid facts and circumstances, the present petition is allowed and FIR No. 104, dated 20.02.2022, registered under Section 174-A IPC at Police Station Sonipat City, District Sonipat is quashed along with all the subsequent proceedings arising therefrom.

07.05.2022

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No