

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

CRM-M-16546-2021

Date of Decision:07.12.2022

NARESH SINGHAL

..... Petitioner

Versus

STATE OF HARYANA

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Parminder Singh, Advocate for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

JAGMOHAN BANSAL, J. (Oral)

The instant petition has been filed under Section 482 Cr.P.C., seeking quashing of order dated 06.09.2019 (Annexure P-6) passed by learned Judicial Magistrate 1st Class, Karnal whereby the petitioner has been declared proclaimed person in Criminal Complaint No. 3054/18 dated 10.11.17/01.03.18 under Section 138 & 142 of the Negotiable Instrument Act, titled as “M/s Green Feeds Vs. Naresh Singhal” as well as FIR No. 829 dated 01.12.2019, registered under Section 174-A IPC, at Police Station Civil Lines, Karnal (Annexure P-8) and all the consequent proceedings arising therefrom.

The brief facts emerging from the record and necessary for the adjudication of the present petition are that petitioner purchased the poultry feed from M/s Green Feeds. The petitioner in discharge of his legal liability issued cheque which on being presented was returned with remarks “Funds Insufficient”. M/s Green Feeds through its partner Shri Vipin Kumar took its legal course as provided under Section 138 of Negotiable Instruments Act (for short, 'NI Act').

Learned counsel for the petitioner submits that the petitioner

has never received summons from the Trial Court which ultimately resulted into his non-appearance before the Court below and proceedings under Section 82/83 Cr.P.C.

Learned JMIC, Karnal declared the petitioner proclaimed offender and directed the concerned SHO, Police Station Karnal to register the FIR against him. In compliance of orders of JMIC, Karnal, an FIR No.829 dated 01.12.2019 came to be registered under Section 174-A of IPC.

Subsequently, parties entered into a compromise and as per compromise, the petitioner agreed to pay the cheque amount in question and complainant had to withdraw the complaint. Thereafter, complainant got recorded his statement regarding withdrawal of his complaint and learned trial Court vide order dated 24.01.2020 (Annexure P-10) ordered to dismiss the complaint as withdrawn.

Learned counsel for the petitioner would contend that complainant has already received payment of cheque in dispute and complaint under Section 138 of NI Act stands withdrawn, therefore, continuance of proceedings under Section 174A of IPC amounts to abuse of process of law as proceedings under Section 174A of IPC are consequential in nature.

Learned State counsel on being confronted above-stated facts would submit that the main matter i.e. dishonour of cheque has already been settled between the parties, however, proceedings under Section 174A were initiated on account of non-appearance of petitioners before learned trial Court.

Learned State counsel does not seriously dispute the prayer of the petitioners especially in view of the fact that the main matter has already been settled between the parties and State is not an aggrieved party.

I have heard arguments of both sides and perused the record.

It is undisputed fact that main dispute between petitioners and complainant stands settled. The dispute between the parties was confined to dishonour of cheque and complainant has already received full and final payment. The proceedings under Section 174A were initiated on account of declaration of petitioner as proclaimed offender. The petitioner had settled the matter. There seems to be no reason to continue with proceedings under Section 174A especially when petitioner have already appeared before the learned trial Court and settled the main dispute.

In view of the above-stated facts and circumstances, this Court is of the considered opinion that the present petition deserves to be allowed and accordingly allowed. FIR No. 829 dated 01.12.2019, registered under Section 174-A IPC, at Police Station Civil Lines, Karnal (Annexure P-8), and all other consequential proceedings arising therefrom are quashed *qua* the petitioner.

(JAGMOHAN BANSAL)
JUDGE

07.12.2022
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>