

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.228

Case No. : CRM-M-14142-2019 (O&M)

Date of Decision : November 30, 2022

Devinder Kumar Petitioner

vs.

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

* * *

Present : Mr. Deepak Gupta, Advocate
for the petitioner.

Mr. Karan Sharma, DAG, Haryana.

* * *

GURBIR SINGH, J. :

Petitioner has filed this petition under Section 482 Cr.P.C. for quashing of FIR No.26 dated 27.02.2018 under Section 174-A IPC, 1860, registered at Police Station Saha, District Ambala, and all other consequential proceedings arising therefrom.

On 28.03.2019, a Coordinate Bench of this Court was pleased to pass the following order in this case :-

“Learned counsel for the petitioner contends that that complaint case has ended in discharge of the petitioner on the strength of compromise entered into between him and the complainant. It is contended that during the proceedings of the complaint, the petitioner stood proclaimed person and a separate case FIR No.26 dated 27.02.2018, under Section 174-A IPC was also registered at Police Station Saha, District Ambala.

Notice of motion for 30.04.2019.”

Learned counsel for the petitioner has reiterated the above-mentioned facts and has referred to the order dated 31.01.2019 (Annexure P-3) vide which the complaint filed under Section 138/139 of the Negotiable Instruments Act, 1881, had been withdrawn.

Heard.

A perusal of the record shows that complaint under Section 138/139 of the Negotiable Instruments Act, 1881, which is the root cause of the instant petition, was filed on account of some dispute between the petitioner and the complainant. However, the same was got withdrawn by the complainant on 31.01.2019 (Annexure P-3) on the basis of compromise when the complainant received back his money/goods/articles. So, the issue got settled between the parties but the FIR under Section 174-A IPC, 1860 (Annexure P-2) remained pending, which was registered on the basis of order dated 21.10.2017 (Annexure P-1) passed by learned Judicial Magistrate Ist Class, Ambala due to absence of the petitioner in the aforesaid complaint case.

Since the main petition filed under Section 138/139 of the Act stands withdrawn in view of an amicable settlement between the parties, therefore, continuation of proceedings under Section 174-A of IPC shall be nothing but an abuse of the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.

Keeping in view the above-said facts and circumstances, the present petition is allowed and the impugned order dated 21.10.2017 (Annexure P-1) passed by learned Judicial Magistrate Ist Class, Ambala and FIR No. 26 dated 27.02.2018 (Annexure P-2), under Section 174-A IPC,

1860, registered at Police Station Saha, District Ambala, and all other consequential proceedings arising therefrom, are hereby quashed.

All the pending miscellaneous applications, if any, stand disposed of in view of the above-said judgment.

November 30, 2022

(GURBIR SINGH)
JUDGE

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