

203 (2)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18177-2019

Date of Decision : 07.09.2022

Dinesh Gupta and others

..... Petitioners

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. D.S.Brar, Advocate for the petitioners.

Mr. Sumit Jain, Addl. A.G., Haryana.

PANKAJ JAIN, J(ORAL)

The petitioners have preferred the petition for quashing of the FIR No.0226 dated 15.03.2019, registered under Section 174-A IPC, at Police Station Panipat City, District Panipat and the subsequent proceedings arising therefrom including orders issuing production warrants against petitioner No.1 Dinesh Gupta.

Learned counsel for the petitioners submits that in view of the fact that the complaint, filed under Section 138 of the Negotiable Instruments Act stands compromised and withdrawn, the present proceedings under Section 174-A IPC which were initiated as the petitioners were declared proclaimed persons in the aforesaid complaint, cannot be sustained.

The question raised by learned State counsel stands answered by this Court vide order dated 29.01.2019, passed by Co-ordinate Bench of this Court in **CRM-M-43813-2018** titled as **Baldev Chand Bansal vs. State of Haryana and another** wherein it was held as under:-

“Prayer in this petition is for quashing of FIR No.64 dated 15.02.2017 filed under Section 174-A of the Indian Penal Code registered at Police Station Sector-5, Panchkula and all other

subsequent proceedings arising thereof as well as order dated 24.10.2016 passed by the trial Court vide which a direction was issued to register the aforesaid FIR."

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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an identical circumstance, this Court has held that since the main petition filed under Section 138 of the Act stands withdrawn in view of an amicable settlement between the parties, therefore, continuation of proceedings under Section 174A of IPC shall be nothing but an abuse of the process of law.

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In view of the same, I find merit in the present petition and accordingly, present petition is allowed and the impugned order dated 24.10.2016 passed by Judicial Magistrate, 1st Class, Panchkula as well as FIR No.64 dated 15.02.2017 registered under Section 174-A of the Indian Penal Code at Police Station Sector-5, Panchkula and all other subsequent proceedings arising thereof, are hereby quashed.”

Consequently, the present petition stands allowed. FIR No.0226 dated 15.03.2019, registered under Section 174-A IPC, at Police Station Panipat City, District Panipat and all proceedings subsequent thereto are hereby quashed qua petitioners.

07.09.2022
mamta

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No