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

CRM-M No.20468 of 2019 (O&M)

Date of decision: 19.04.2022

Narender Kundu

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Rahul Vats, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for quashing of FIR No.518 dated 25.06.2018 registered under Section 174-A IPC at Police Station City Sonapat, District Sonapat and all other subsequent proceedings arising therefrom on the basis of the compromise arrived at between the parties and for setting-aside the order dated 16.02.2018 vide which the petitioner was declared as proclaimed person.

Counsel for the petitioner has argued that one Roshan Lal has filed a complaint under Section 138 of the Negotiable Instruments Act against the petitioner, in which the petitioner was not served and without following a proper procedure under Section 82 Cr.P.C., the trial Court vide impugned order dated 16.02.2018 has declared the petitioner has proclaimed person and further directed to register an FIR against him under Section 174-A IPC.

Counsel for the petitioner has further submitted that in fact, the matter was compromised between the petitioner and the complainant Roshan Lal.

Reliance is placed upon an application dated 06.03.2019 filed by the complainant Roshan Lal for withdrawal of the complaint, which was followed by the order passed by the trial Court on 24.05.2019 (Daily Lok Adalat) vide which the aforesaid complaint was dismissed as withdrawn. Since the dispute is between the petitioner and the aforesaid complainant Roshan Lal stands settled between the parties, the continuation of the proceedings under Section 174-A IPC will be nothing but abuse and misuse of the process of law.

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circumstance, this Court has held that since the main petition filed under Section 138 of the N.I. Act stands withdrawn in view of an amicable settlement between the parties, therefore, continuation of proceedings under Section 174-A of IPC shall be nothing but an abuse of the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

After hearing learned counsel for the parties and in view of the judgment passed in ***Vikas Sharma’s case (supra)***, considering the fact that the complaint filed under Section 138 of the Act was compromised and later on, the complaint was dismissed as withdrawn on 24.05.2019, the present petition is allowed, the order dated

16.02.2018 declaring the petitioner as proclaimed person, is set-aside and FIR No.518 dated 25.06.2018, registered under Section 174-A IPC at Police Station City Sonapat, District Sonapat along with all the subsequent proceedings arising therefrom is hereby quashed *qua* the petitioner herein.

Disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

19.04.2022
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No