

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

CRM-M-29483-2021

Date of decision : 14.11.2022

Arpit Gupta, Partner M/s. Tulip Yarn

....Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Chandra K. Jha, Advocate
for the petitioner.

Mr. Vijesh Sharma, Addl. Advocate General, Haryana
for respondent No.1.

None for respondent No.2.

PANKAJ JAIN, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. seeking quashing of the order dated 2nd of August, 2017 (Annexure P-3) passed by the JMIC, Panipat and the consequential FIR No.1068 dated 8th of October, 2018 registered for the offence punishable under Section 174-A IPC, at Police Station Chandanibagh, Panipat (Annexure P-4).

2. Ld. Counsel for the petitioner refers to order dated 2nd of June, 2021 passed by the Court of JMIC, Panipat to contend that after the principal complaint filed under Section 138 of the Negotiable Instruments Act, 1881 (for short, 'the N.I. Act') stood compromised, as a natural corollary thereof the present proceedings under Section 174-A IPC cannot be allowed to continue as the same were initiated on the basis of the

petitioner not appearing before the Trial Court in the proceedings initiated under Section 138 of the N.I. Act only.

3. Respondent No.2 has been served yet has opted not to appear. Further in order to hammer-forth the submission, Ld. Counsel for the petitioner relies upon Para 10 of the reply filed by the State to submit that so far as the factum of the complaint filed under Section 138 of the NI Act having been withdrawn pursuant to the settlement vide Annexure P-5, stands admitted. He further submits that respondent No.2 having already settled the matter with the petitioner is no more interested in pursuing the present proceedings and thus not interested in appearing before this Court.

4. Having heard counsel for the parties, in the considered opinion of this Court the question as to whether proceedings under Section 174-A IPC can be allowed to continue after the principal complaint filed under Section 138 of the N.I. Act already stands settled and withdrawn, is no more *res integra* and has been answered by a Co-ordinate Bench of this Court in **CRM-M-43813-2018** titled as “**Baldev Chand Bansal Vs. State of Haryana and another**” vide order dated 29th of Janaury, 2019, which 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."

5. Same is the view of another Co-ordinate Bench in the “**Ashok Madaan vs. State of Haryana and another” reported as 2020 (4) RCR (Criminal) 87**, wherein it has been held that:

“No doubt, the learned counsel for the respondent has vehemently argued that the offence under Section 174-A I.P.C. is independent of the main case, therefore, merely because the main case has been dismissed for want of prosecution, the present petition cannot be allowed, however, keeping in view the fact that the present FIR was registered only on account of absence from the proceedings in the main case which had been subsequently regularised by the court while granting bail to the petitioner, the default stood condoned. In such circumstances, continuation of

proceedings under Section 174A I.P.C. shall be abuse of the process of court.

7. Accordingly, the petition is allowed. FIR No. 446 dated 21.08.2017, registered under Section 174A I.P.C. at Police Station Kotwali, District Faridabad, as well as consequential proceedings shall stand quashed.”

6. Keeping in view the facts and circumstances of the present case and in view of the principles settled by this Court, the present petition is allowed. Order dated 2nd of August, 2017 (Annexure P-3) passed by the JMIC, Panipat and the consequential FIR No.1068 dated 8th of October, 2018 registered for the offence punishable under Section 174-A IPC, at Police Station Chandanibagh, Panipat (Annexure P-4), are hereby quashed *qua* the present petitioner.

November 14, 2022
Dpr

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No