

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

CRM-M-28088-2022 (O&M)
Date of Decision:-10.10.2022

GAJENDER SINGH

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Bhisham Kumar, Advocate
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

KARAMJIT SINGH, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No.367 dated 24.05.2022 which was registered under Section 174-A IPC at Police Station Sector-8, Faridabad and all the subsequent orders thereof.

Counsel for the petitioner has submitted that complainant filed criminal complaint titled as M/s Siya Trading vs. M/s Nimmy Enterprises and another against the petitioner under Section 138 of Negotiable Instruments Act on account of dishonour of cheque. It is further submitted that in the said proceedings under Section 138 of Negotiable Instruments Act, the petitioner was declared proclaimed person and the Court concerned gave directions to the local police to register FIR under Section 174-A IPC against the petitioner. Consequently, the impugned FIR was registered. It is further submitted that in the meantime, compromise was effected between

the parties and finally, the aforesaid criminal complaint filed under Section 138 of Negotiable Instruments Act was dismissed as withdrawn vide order dated 14.06.2022 (Annexure P-4) passed by the Court of Judicial Magistrate Ist Class, Faridabad. Counsel for the petitioner further submitted that once the proceedings under Section 138 of Negotiable Instruments Act have been withdrawn, then continuation of the proceedings in the impugned FIR would be an abuse of the process of Court.

State counsel has not refuted the contention of the petitioner with regard to withdrawal of main case vide order dated 14.6.2022 (Annexure P-4), but has opposed the present petition and has submitted that no ground is made out to quash the impugned FIR which has been correctly registered at the instance of the Court concerned.

I have considered the submissions made by the counsel for the parties.

Undoubtedly, the impugned FIR is offshoot of the proceedings under Section 138 of Negotiable Instruments Act which were initiated against the petitioner. The said proceedings under Section 138 of Negotiable Instruments Act have already attained finality as the parties entered into compromise and the criminal complaint instituted under Section 138 of Negotiable Instruments Act was dismissed as withdrawn vide order dated 14.06.2022 (Annexure P-4).

In view of the matter, since the main complaint filed under Section 138 of Negotiable Instruments Act stands withdrawn, the matter being compromised between the parties, therefore, continuation of the

proceedings under Section 174-A IPC would be nothing but an abuse of the process of law.

In light of above, I find merit in the present petition and accordingly, the present petition is allowed and FIR No.367 dated 24.05.2022 which was registered under Section 174-A IPC at Police Station Sector-8, Faridabad and all other subsequent proceedings arising thereof are hereby quashed qua the petitioner.

10.10.2022
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No