

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

CRM-M-34980-2022 (O&M)

Date of Decision: 19.9.2022

Mandeep Verma

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr.Shubhnit Hans, Advocate for the petitioner.

AMAN CHAUDHARY , J.

CRM-35285-2022

For the reasons stated in the application, the same is allowed.

Amended petition is taken on record subject to all just exceptions.

CRM-M-34980-2022 (O&M)

Present petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.138, dated 16.3.2020, Annexure P-1, under Section 174-A of IPC, at Police Station Civil Lines Karnal, District Karnal, which has been registered consequent to order dated 15.3.2017 passed by learned Judicial Magistrate, 1st Class, Karnal.

Learned counsel for the petitioner submits that the proceedings under Section 138 of the Negotiable Instruments Act, 1881 were initiated against the petitioner by filing a complaint instituted by complainant – company through its proprietor Anil Jain on account of dishonor of cheque, on which the petitioner was summoned to face the trial. Learned counsel for

the petitioner further submits that the case was fixed for appearance of the petitioner on 15.3.2017, on that date, he failed to appear and straightway non-bailable warrants were issued against him.

Learned counsel for the petitioner draws the attention of this Court to Annexure P3, dated 17.3.2020, the statement of the complainant recorded before the JMIC, Karnal, according to which, he had received full and final payment from the accused-petitioner and as such no longer wished to pursue the present complaint and sought permission to withdraw the same. On the basis of the said statement, learned JMIC, Karnal vide order dated 17.3.2020, granted the permission to withdraw his complainant filed against the present petitioner.

In support of his submissions, learned counsel places reliance upon the following judgments of various co-ordinate Benches of this Court to contend that in the similar set of facts and circumstances wherein the complaint filed under Section 138 of the Negotiable Instruments Act, 1881, itself stands withdrawn, the proceedings initiated under Section 174-A IPC were quashed being an abuse of process of law:-

- 1. “Murli Jha vs State of Haryana”, 2021(3) R.C.R. (Criminal)563.**
- 2. “Microqual Techno Limited and others vs State of Haryana”, 2015(3) R.C.R.(Criminal) 790.**
- 3. “Ram Kumar Rana vs State of Haryana and another”, 2022(1) R.C.R. (Criminal) 294.**
- 4. “Ashok Madan vs State of Haryana and another”, 2020(4) R.C.R. (Criminal) 87.**

Notice of motion.

At the asking of the Court, Mr. Gaurav Bansal, AAG, Haryana, accepts notice on behalf of the respondent-State and affirms the factum of compromise of the matter.

A co-ordinate Bench in **Murli Jha's case** (supra) held as under:-

“8. I have considered the rival submissions of the parties.

The FIR is an outcome of the order declaring the petitioner as a proclaimed person in proceedings initiated under section 138 of NI Act which stands settled, the complaint has been withdrawn and the proceedings against the accused petitioner were dropped.

In such circumstances, the continuation of prosecution under Section 174-A IPC in pursuance to the orders passed by the trial Court cannot be permitted to continue. Reference in this connection may be made to the judgments of this Court in *Microqual Techno R.C.R. (Criminal) 790; Rajneesh Khanna v. State of Haryana and another*, 2017 (3) L.A.R. 555 and CRM-M32612 of 2020, *Surender Singh v. State of Haryana and another* decided on 12.01.2021. ”

In view of the aforesaid facts and circumstances of the case that the complaint filed under Section 138 of the Negotiable Instruments Act, 1881, itself having been withdrawn, based on statement of the complainant that he had received full and final payment from the accused and in view of

the judgment in case of **Murli Jha's case** (supra), FIR No.138, dated 16.3.2020, Annexure P-1, under Section 174-A of IPC, at Police Station Civil Lines Karnal, District Karnal, which has been registered consequent to order dated 15.3.2017 passed learned Judicial Magistrate, 1st Class, Karnal, is quashed, subject to payment of costs of Rs.10,000/- to be deposited with the Poor Patients' Welfare Fund at PGIMER, Chandigarh.

Disposed of.

Pending application(s), if any, stands disposed of accordingly.

19.9.2022
gsv

(AMAN CHAUDHARY)
JUDGE

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