

CRM-M-35450-2022

Date of decision: 17.11.2022

Raj Kumar

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR**Present:** Mr. Rakesh Kumar Gupta, Advocate
for the petitioner.

Mr. Anup Singh, AAG, Punjab.

NAMIT KUMAR, J. (ORAL)

This petition has been filed under Section 482 Cr.P.C. for quashing of order dated 28.08.2019 (Annexure P-1) passed by the learned JMIC, Rajpura in complaint No.967 of 2017 dated 21.11.2017 titled as 'Varinder Kumar Vs. Raj Kumar' filed under Section 138 of the Negotiable Instruments Act, whereby, the petitioner has been declared as proclaimed person as well as for quashing of FIR No.243 dated 18.09.2019 under Section 174-A of IPC registered at Police Station City Rajpura, District Patiala (Annexure P-2) and all other consequential proceedings arising there from.

Learned counsel for the petitioner submits that the petitioner was not aware of filing of any complaint against him so he could not appear before the trial Court and for that reason, proceedings under Section 174-A IPC were initiated and FIR No.243 dated 18.09.2019 was registered.

He further submits that the main dispute which was under Section 138 of the Negotiable Instruments Act, out of which, proceedings under Section 174-A of IPC have been emerged, had already been

concluded vide order dated 12.03.2022 passed by the Presiding Officer, National Lok Adalat, Rajpura as the matter had been compromised between the parties.

He submits that once the original proceedings have come to an end with the compromise between the parties, therefore, the present proceedings under Section 174-A of IPC arising out of the original proceedings should also come to an end. To support his contention he relies upon the judgment of this Court passed in 'Aditya Goyal vs. State of Haryana' CRM-M-11269-2019 decided on 07.05.2019.

In the above said judgment, this Court has quashed the proceedings under Section 174-A of IPC where the main proceedings have already been concluded. The relevant portion from *Aditya Goyal's case (Supra)* is as under:-

“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 174-A of IPC shall be nothing but an abuse of the process of law.

Learned State counsel, on instructions from the Investigating Officer, has not disputed the factual position.

After hearing learned counsel for the parties, I find merit in the present petition.

Since the main complaint filed by the complainant under Section 138 of the N.I. Act itself stands dismissed as withdrawn by the trial Court keeping in view the fact that petitioner has cleared the entire dues and on the direction of this Court, the petitioner has already appeared before the Investigating Officer and has also deposited the cost of `10,000/- with the Illaqa Magistrate, this Court is of the opinion that continuation of proceedings under Section 174-A IPC shall be an abuse of process of law.

Accordingly, in view of the facts and circumstance of the case and also in view of the judgments relied upon by the petitioner, this petition is allowed and order dated 03.12.2018 (Annexure P-1), passed by the trial Court in Criminal Complaint No. 1624/2017 dated 12.09.2017, filed under Section 138 of the N. I. Act, vide which, the petitioner has been declared a proclaimed person as well as other

consequential proceedings arising therefrom including FIR No. 66 dated 01.02.2019, registered under Section 174-A IPC at Police Station Jagadhri City, District Yamuna Nagar (Annexure P-2) are hereby quashed.”

To the same effect, another judgment passed in 'Lakhwinder Singh versus State of Punjab' CRM-M-37155-2021 decided on 16.11.2021 also supports the present case.

Learned State counsel has not disputed the fact that the matter has been compromised.

A perusal of order dated 12.03.2022 passed by the Presiding Officer, National Lok Adalat, Rajpura makes it clear that the matter has been settled between the parties. Consequently, no fruitful purpose would be served in continuing the proceedings under Section 174-A of IPC.

Consequently, the present petition is allowed and the impugned order dated 28.08.2019 (Annexure P-1) passed by the learned JMIC, Rajpura in complaint No.967 of 2017 dated 21.11.2017 titled as 'Varinder Kumar Vs. Raj Kumar' filed under Section 138 of the Negotiable Instruments Act, whereby, the petitioner has been declared as proclaimed person as well as for quashing of FIR No.243 dated 18.09.2019 under Section 174-A of IPC registered at Police Station City Rajpura, District Patiala (Annexure P-2) and all subsequent proceedings arising therefrom, are hereby quashed, on the basis of compromise, *qua* the petitioner only.

17.11.2022
Neha

(NAMIT KUMAR)
JUDGE

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