

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

CRM-36731-2022 in/and
CRM-M-34032-2022
Date of Decision:-9.11.2022

DEEPAK TANEJA

... Petitioner(s)

Versus

STATE OF HARYANA

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Kartik, Advocate
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

Mr. Ankit Mittan, Advocate
for the complainant.

KARAMJIT SINGH, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No.972 of 24.6.2022 registered under Section 174-A IPC at Police Station Shivaji Nagar, District Gurugram and all the consequential proceedings thereof.

The counsel for the petitioner submitted that complainant filed a criminal complaint 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 vide order dated 23.1.2020 and consequently FIR under Section 174-A IPC was registered against the petitioner. The counsel further submitted that in the meantime compromise was effected between the petitioner and the complainant and finally the aforesaid criminal complaint under Section 138 of Negotiable Instruments Act was dismissed as withdrawn vide order dated 8.7.2022 by the Court of Judicial Magistrate Ist Class, Gurugram. The counsel further submitted that once the proceedings under Section 138 NI Act have been withdrawn then continuation of proceedings in the impugned FIR under Section 174-A IPC would be an abuse of the process of Court.

Counsel for the State on the other hand has opposed the present petition and submitted that no ground is made out to quash the impugned FIR.

Mr. Ankit Mittan, Advocate has put in appearance on behalf of complainant-G.K.Sood and submitted that he has no objection if the present petition is allowed and the impugned FIR is quashed as the matter has already been compromised between the parties.

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 at the instance of the complainant. The said proceedings under Section 138 of Negotiable Instruments Act have already attained finality as the parties entered into compromise and the criminal complaint under Section 138 of

Negotiable Instruments Act was dismissed as withdrawn vide order dated 8.7.2022 (Annexure P5).

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 174A 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 the impugned FIR No.972 of 24.6.2022 registered under Section 174-A IPC at Police Station Shivaji Nagar, District Gurugram and all other subsequent proceedings arising thereof are hereby quashed qua the petitioner.

**(KARAMJIT SINGH)
JUDGE**

9.11.2022
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No