

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

215

CRM-M-35838-2022

Decided on : 30.11.2022

Avtar Singh

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Arpandeeep Narula, Advocate
for the petitioner(s).

Mr. Vikas Bhardwaj, AAG, Haryana.

SANJAY VASHISTH, J. (Oral)

Prayer in this petition, filed under Section 482 of the Code of Criminal Procedure, 1973, is for quashing of FIR No.186, dated 19.04.2022, under Section 174-A of IPC, registered at Police Station City Mandi Dabwali, District Sirsa (Annexure P-3), and all consequential proceedings arising therefrom.

Main issue against the petitioner i.e. filing of complaint against the petitioner under Section 138 of the Negotiable Instruments Act, 1881 (for brevity, 'NI Act'), already stood withdrawn on 21.07.2022, in view of the compromise entered into between the parties. In support of this fact, statement dated 21.07.2022 made by complainant as well as the order dated 21.07.2022 passed on the basis of statement, are annexed with the petition as Annexures P-4 & P-5, respectively.

Learned counsel for the petitioner submits that declaration of the petitioner as proclaimed offender, and thereafter, registration of FIR under Section 174-A of IPC, would not be considered material proceeding, once main offence from which such proceedings emerged, has already been compromised

between the private parties. In support of her contention, learned counsel relies upon judgment of the co-ordinate Bench of this Court rendered in **CRM-M-47657-2022**, titled as, “**Randhir Singh Tyagi vs. State of Haryana and another**”, decided on **17.10.2022**.

In view of the settled proposition of law, wherein, several other similar matters have already been decided by this Court, learned State counsel has no serious and authentic submissions before this Court to oppose the prayer made in present petition.

Under these circumstances, once the proceedings under Section 138 of NI Act stands withdrawn on the basis of compromise, continuation of the instant FIR under Section 174-A of IPC is nothing but an abuse of process of law. In this regard reliance can be placed upon judgment rendered by this Court in the case of *Microqual Techno Limited and others v. State of Haryana and another-2015(32) RCR (Criminal) 790*, which has also been followed in *CRM-M-47891-2021*, titled as, “*Jitender Singh v. State of Haryana and another*”, decided on **16.11.2021**, and the order dated **05.09.2022**, passed by this Court in *CRM-M-34291-2022*, titled as, “*Pankaj Sharma Vs. State of Haryana and another*”.

Accordingly, instant petition is allowed. Order dated 17.03.2022 declaring the petitioner as proclaimed offender, and all consequential proceedings arising therefrom including FIR No.186, dated 19.04.2022, under Section 174-A of IPC, registered at Police Station City Mandi Dabwali, District Sirsa, stand quashed *qua* the petitioner.

(SANJAY VASHISTH)
JUDGE

November 30, 2022

J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No