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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-37861-2021

Decided on: 21st February, 2022

Sanjeev Kumar

Petitioner

Versus

State of Haryana and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Akshit Aggarwal, Advocate for the petitioner.
Ms. Geeta Sharma, Deputy Advocate General, Haryana
assisted by ASI Arshad Ali.

AVNEESH JHINGAN, J (Oral):

[1] Due to COVID-19 situation, the Court is convened through video conference.

[2] This petition under Section 482 Cr.P.C. is filed for quashing of FIR No. 249, dated 15th February, 2020 under Section 174-A IPC, registered at Police Station City Jagadhri, District Yamuna Nagar and all other consequential proceedings arising therefrom.

[3] Brief facts of the case are that a complaint under Section 138 of The Negotiable Instruments Act, 1881 was filed by Kapil Bagri (respondent No.2). The petitioner had issued a cheque of Rs. 18,000/- in favour of the complainant. On presentation, the cheque was dishonoured. The matter was compromised between the parties. The complainant withdrew the complaint on 24th May, 2021. The petitioner failed to appear in the criminal proceedings and he was declared proclaimed offender, resultantly present FIR was registered.

[4] Learned counsel for the petitioner submits that petitioner was declared proclaimed offender on 17th January, 2020. The petitioner was not aware about the proceedings and on gaining the knowledge, he surrendered before the Court and was granted bail on 27th January,

2020. Contention is that main complaint has been withdrawn. He relies 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an identical circumstance, this Court has held that since the main petition filed under Section 138 of the Act stands withdrawn in view of an amicable settlement between the parties, therefore, continuation of proceedings under Section 174-A of IPC shall be nothing but an abuse of the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.

[5] Learned State counsel is not disputing the contentions raised by learned counsel for the petitioner.

[6] None has put in appearance on behalf of the complainant despite service.

[7] Heard learned counsel for the parties and perused the pleadings.

[8] There is no dispute that complaint was withdrawn. The petitioner had put in appearance before the Court and was granted bail. Continuation of proceedings under Section 174-A IPC would be an abuse of process of law.

[9] Considering the facts and circumstances of the case in totality and the judgments relied upon by the petitioner, FIR mentioned above and all subsequent proceedings arising therefrom are quashed.

[10] The petition is allowed.

[AVNEESH JHINGAN]
JUDGE

21st February, 2022

pankaj baweja

1. Whether speaking/ reasoned	:	Yes /No
2. Whether reportable	:	Yes /No