

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

CRM-M-35836-2022
Date of Decision:-28.9.2022

PRITPAL SINGH MUTTAY

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Deepak Aggarwal, Advocate
for the petitioner.

Mr. Mohinder Singh Joshi, Addl. A.G. Punjab.

-.-

KARAMJIT SINGH, J. (Oral)

This petition has been filed by the petitioner under Section 482 Cr.P.C. for quashing of FIR No.104 dated 8.10.2016 which was registered under Section 174-A IPC at Police Station Phul, District Bathinda (Annexure P-2).

Counsel for the petitioner has submitted that the petitioner was declared proclaimed person in a complaint filed under Section 138/142 of Negotiable Instruments Act instituted by one Gurdeep Singh and the Court concerned gave directions to the local police to register FIR under Section 174-A IPC against the petitioner. Consequently, the impugned FIR was registered. It is further submitted that in the meantime, compromise was effected between the parties and finally, the aforesaid criminal complaint

filed under Section 138 of Negotiable Instruments Act was dismissed as withdrawn vide order dated 12.12.2017 (Annexure P-4) by the Court of Sub-Divisional Judicial Magistrate, Phul. Counsel for the petitioner further submitted that once the proceedings under Section 138 of Negotiable Instruments Act have been withdrawn, then continuation of the proceedings in the impugned FIR would be an abuse of the process of Court.

State counsel has not refuted the aforesaid contention of the petitioner with regard to withdrawal of the criminal complaint (Annexure P-4), but has opposed the present petition and has submitted that no ground is made out to quash the impugned FIR which has been correctly registered at the instance of the Court concerned.

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 petitioner. 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entered into compromise and the criminal complaint under Section 138 of Negotiable Instruments Act was dismissed as withdrawn vide order dated 12.12.2017 (Annexure P-4).

In view of the matter, since the main complaint filed under Section 138 of Negotiable Instruments Act stands withdrawn the matter being compromised between the parties, therefore, continuation of the proceedings under Section 174-A IPC would be nothing but an abuse of the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 FIR No.104 dated 8.10.2016 which was registered under Section 174-A IPC at Police Station Phul, District Bathinda (Annexure P-2) and all other subsequent proceedings arising thereof are hereby quashed qua the petitioner subject to cost of ₹5,000/- to be deposited with District Legal Services Authorities, Bathinda within 30 days failing which instant petition shall be deemed to have been dismissed.

(KARAMJIT SINGH)
JUDGE

28.9.2022
Gaurav Sorot

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No