

CRM-M-35802-2020

Date of decision: 30.08.2022

Munish Verma

.....Petitioners

versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR**Present:** Mr. G.C. Shahpuri, Advocate
for the petitioner.Mr. Bupender Singh, DAG, Haryana
for respondent No.1-State.**NAMIT KUMAR, J. (ORAL)**

This is a petition under Section 482 Cr.P.C. for quashing of FIR No.1147 dated 13.09.2018 under Section 174-A of IPC registered at Police Station Jagadhri City, District Yamuna Nagar and all subsequent proceedings arising therefrom in view of the fact that the petitioner and respondent No.2 have already entered into a compromise in the complaint case bearing NIA No.1935 of 2017 and on the basis of compromise, respondent No.2 suffered a statement before the learned Magistrate with regard to compromise of matter with the petitioner and he does not want to pursue the complaint under Section 138 of the Negotiable Instruments Act and withdrawn the said complaint vide order dated 21.11.2019 (Annexure P-5).

Learned counsel for the petitioner states that the main dispute which was under Sections 138/142 of the Negotiable Instruments Act, 1881 has been settled between the petitioner and respondent No.2 and vide order dated 21.11.2019, the complainant/respondent No.2-Pankaj Chandok,

withdrew the complaint. He submits that once the original proceedings have come to an end with the withdrawal of the complaint, therefore, the present proceedings under Section 174-A of IPC arising out of the original proceedings should also come to an end. However, in the said proceedings the petitioner was declared as a proclaimed offender. Vide order dated 23.08.2018, an FIR No.1147 dated 13.09.2018 under Section 174 (A) IPC was registered at Police Station Jagadhari City District Jamuna Nagar and to support his contention he relies upon the judgments of this Court passed in 'Sunny Grover vs. State of Haryana and Another' CRM-M-39505-2020 decided on 05.03.2021; 'Parveen Kumar vs. State of Punjab' CRM-M-42482-2016 decided on 19.03.2018; 'Surender Singh vs. State of Haryana and another' CRM-M-32612-2020 (O&M) decided on 12.01.2021; 'Ram Ajour vs. State of Haryana and another' CRM-M-12893-2022 decided on 06.04.2022 and 'Aditya Goyal vs. State of Haryana' CRM-M-11269-2019 decided on 07.05.2019.

In all these judgments, 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.”

Learned State counsel has not disputed the fact of matter having been compromised as also the withdrawal of the complaint.

A perusal of order dated 21.11.2019 passed by learned JMJC, Yamuna Nagar, Jagadhri makes it clear that the matter has been settled between the parties and in pursuance thereof, the complaint filed by the complainant was dismissed as withdrawn.

Consequently, the present petition is allowed and the impugned FIR No.1147 dated 13.09.2018 under Section 174-A of IPC registered at Police Station Jagadhri City, District Yamuna Nagar and all subsequent proceedings arising therefrom in view of the fact that the petitioner and

respondent No.2 have already entered into a compromise in the complaint case bearing NIA No.1935 of 2017 are hereby quashed, on the basis of compromise, *qua* the petitioner only.

30.08.2022
Neha

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No