

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

CRM-M-38732-2022

Date of Decision: 19.9.2022

Surinder @ Surender Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Sudhir Rana, Advocate for the petitioner.

AMAN CHAUDHARY , J.

Present petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.545, dated 21.7.2022, Annexure P-4, under Section 174-A of IPC, registered at Police Station Karnal Civil Lines, District Karnal, which has been registered consequent to order dated 16.5.2022 passed learned Judicial Magistrate, 1st Class, Karnal in complaint case No.NACT 4356 of 2019, titled as “Supreme Power Chemicals vs. Mansa Devi Tiles Factory and another”, on the basis of the compromise arrived at between the parties and the complaint has already been withdrawn.

Learned counsel for the petitioner submits that the proceedings under Section 138 of the Negotiable Instruments Act, 1881 were initiated against the petitioner by filing a complaint instituted by complainant Mohit Garg, proprietor of M/s Supreme Power Chemical, on which he was summoned to face the trial. Learned counsel for the petitioner further

submits that the case was fixed for appearance of the petitioner on 16.5.2022, on that date, he failed to appear and straightway non-bailable warrants were issued against him for 15.6.2022.

Learned counsel for the petitioner draws the attention of this Court to Annexure P-2, dated 10.8.2022, statement of the complainant, according to which, he had received full and final payment from the accused-petitioner and as such no longer wished to pursue the present complaint and sought permission to withdraw the same. On the basis of the said statement, the case was adjourned to 13.8.2022 and put up before the Lok Adalat for consideration on the statement for withdrawal of the main case compliant. Accordingly, learned counsel for the petitioner submits that vide order dated 13.8.2022, the complainant was granted permission to withdraw his complainant filed against the present petitioner and notice of accusation was yet to be served upon the accused, he stood discharged. In support of his submissions, learned counsel places reliance upon the following judgments of various co-ordinate Benches of this Court to contend that in the similar set of facts and circumstances wherein the complaint filed under Section 138 of the Negotiable Instruments Act, 1881, itself stands withdrawn, the proceedings initiated under Section 174-A IPC were quashed being an abuse of process of law:-

1. **“Murli Jha vs State of Haryana”, 2021(3) R.C.R. (Criminal)563.**
2. **“Microqual Techno Limited and others vs State of Haryana”, 2015(3) R.C.R.(Criminal) 790.**

3. **“Ram Kumar Rana vs State of Haryana and another”**, 2022(1) R.C.R. (Criminal) 294.
4. **“Ashok Madan vs State of Haryana and another”**, 2020(4) R.C.R. (Criminal) 87.

Notice of motion.

At the asking of the Court, Mr. Manipal Atwal, DAG, Punjab, accepts notice on behalf of the respondent-State and affirms the factum of compromise of the matter.

A co-ordinate Bench in **Murli Jha's case** (supra) held as under:-

“8. I have considered the rival submissions of the parties. The FIR is an outcome of the order declaring the petitioner as a proclaimed person in proceedings initiated under section 138 of NI Act which stands settled, the complaint has been withdrawn and the proceedings against the accused petitioner were dropped. In such circumstances, the continuation of prosecution under Section 174-A IPC in pursuance to the orders passed by the trial Court cannot be permitted to continue. Reference in this connection may be made to the judgments of this Court in **Microqual Techno R.C.R. (Criminal) 790**; **Rajneesh Khanna v. State of Haryana and another**, 2017 (3) L.A.R. 555 and CRM-M32612 of 2020, **Surender Singh v. State of Haryana and another**

decided on 12.01.2021. ”

In view of the aforesaid facts and circumstances of the case that the complaint filed under Section 138 of the Negotiable Instruments Act, 1881, itself having been withdrawn, based on statement of the complainant that he had received full and final payment from the accused and in view of the judgment in case of Murli Jha's case (supra), FIR No.545, dated 21.7.2022, Annexure P-4, under Section 174-A of IPC, registered at Police Station Karnal Civil Lines, District Karnal, which has been registered consequent to order dated 16.5.2022 passed learned Judicial Magistrate, 1st Class, Karnal in complaint case No.NACT 4356 of 2019, titled as “Supreme Power Chemicals vs. Mansa Devi Tiles Factory and another”,, is quashed, subject to payment of costs of Rs.10,000/- to be deposited with the Poor Patients' Welfare Fund at PGIMER, Chandigarh.

Disposed of.

19.9.2022
gsv

(AMAN CHAUDHARY)
JUDGE

Whether reasoned/speaking:	Yes /No
Whether reportable:	Yes /No