

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

THROUGH VIDEO CONFERENCING

CRM-M-46896-2021 (O&M)

Date of decision: 18.2.2022

Naushad Ahmed and others

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR.JUSTICE KARAMJIT SINGH

Present: Ms. Meenu Goyal, Advocate, for
Mr. Aman Mittal, Advocate, for the petitioners.

Ms. Harpreet Kaur, AAG, Haryana.

Mr. Pujit Gumber, Advocate, for respondent No.2.

KARAMJIT SINGH, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No.0756 dated 18.9.2019 (Annexure P-4) which was registered under Section 174-A IPC at Police Station Panipat City in pursuance to an order passed by JMIC, Panipat dated 10.5.2019 (Annexure P-3).

Counsel for the petitioners has submitted that respondent No.2- Ashok Kumar filed a criminal complaint against the petitioners and M/s VIL Limited under Section 138 of Negotiable Instruments Act on account of dishonour of cheque. It is further submitted that in the said proceedings under Section 138 of Negotiable Instruments Act, the petitioners were declared proclaimed persons vide order dated 10.5.2019 (Annexure P-3) and the Court concerned also gave directions to the local police to register FIR under Section 174A IPC against the petitioners. Consequently, the

compromise was effected between the petitioners and respondent No.2 and finally, the aforesaid criminal complaint filed under Section 138 of Negotiable Instruments Act was dismissed as withdrawn vide order dated 11.10.2021 (Annexure P-5) by the Court of JMIC, Panipat. Counsel for the petitioners further submitted that once the proceedings under Section 138 of Negotiable Instruments Act have been withdrawn, then continuation of the proceedings in the impugned FIR would be an abuse of the process of Court.

Counsel for the State, on the other hand, 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.

Mr. Pujit Gumber, Advocate who is appearing on behalf of respondent No.2 has submitted that he has no objection if the present petition is allowed and the impugned FIR is quashed as the matter has already been compromised between the parties.

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 respondent No.2. 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 11.10.2021 (Annexure P-5).

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 174A 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 the impugned order dated 10.5.2019 (Annexure P-3) passed by JMIC, Panipat as well as FIR No.0756 dated 18.9.2019 (Annexure P-4) registered under Section 174-A IPC at PS Panipat City and all other subsequent proceedings arising thereof are hereby quashed.

(**KARAMJIT SINGH**)
JUDGE

February 18, 2022

Paritosh Kumar

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