

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

Sr. No.128

CRM-M-46887-2022

Date of decision : 12.10.2022

Manjit Singh

.....Petitioner(s)

VERSUS

State of Haryana and another

..... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr.Amandeep Vashisth, Advocate for the petitioner

AMAN CHAUDHARY, J.

Present petition under Section 482 of the Code of Criminal Procedure has been filed for setting aside the order dated 2.12.2021, Annexure P-1, consequent thereto, FIR No.0080, dated 21.2.2022, under Section 174-A of IPC, was registered at Police Station Sector 19, HUDA, Jagadhri, District Yamuna Nagar.

Learned counsel submits that a complaint under Section 138 of the Negotiable Instruments Act was filed against the petitioner, pursuant thereto, he was summoned to face the trial. Since, he could not appear pursuant to the said summoning order due to Covid-19 pandemic, he was declared proclaimed person vide order dated 2.12.2021, Annexure P-1. Consequent thereto, FIR No.0080 dated 21.2.2022, under Section 174A IPC came to be registered against him. Thereafter, he was arrested and was released on bail vide order dated 19.4.2022, Annexure P-3. On the same very day the matter was came to be compromised between the petitioner and

the complainant, who stated that the entire amount had been paid, consequent thereto, the complaint itself was withdrawn, a reference is made to order of even date i.e. 19.4.2022, Annexure P-3. He further submits that it was neither willful nor deliberate of him to have not appeared before the trial Court, had it not been for the fact that due to Covid-19 pandemic, the petitioner could not appear before the trial Court and thereafter, he was arrested and released on bail by the trial Court.

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and circumstances wherein the complaint filed under Section 138 of the Negotiable Instruments Act, 1881, itself stands withdrawn, the proceedings initiated under Section 174-A IPC were quashed being an abuse of process of law:-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. Gaurav Bansal, AAG,Haryana, accepts notice on behalf of the respondent-State and affirms the factum of compromise of the matter.

As no order prejudicial to the rights of the complainant, is

being proposed to be passed by this Court and issuance of notice would only further delay the matter, which would cause prejudice to the complainant and therefore, the present petition stands disposed of without issuance of notice to the complainant-respondent.

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), the continuation of further proceedings would serve no useful purpose, order dated 2.12.2021, Annexure P-1, consequent thereto, FIR No.0080, dated 21.2.2022, under

Section 174-A of IPC, was registered at Police Station Sector 19, HUDA, Jagadhri, District Yamuna Nagar, is set aside, subject to payment of costs of Rs.5000/- to be deposited with the Punjab and Haryana High Court Bar Association Advocates' Welfare Fund.

Disposed of accordingly.

12.10.2022
gsv

(AMAN CHAUDHARY)
JUDGE

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