

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

118

**CRM-M-49565-2022
Decided on : 28.10.2022**

Harcharan Singh

. . . Petitioner(s)

Versus

State of Punjab and another

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Ms. Khushika Setia, Advocate
for the petitioner(s).

SANJAY VASHISTH, J. (Oral)

Prayer in this petition, filed under Section 482 of the Code of Criminal Procedure, 1973, is for quashing of FIR No.185, dated 03.08.2022, under Section 174-A of IPC, registered at Police Station City Rajpura, District Patiala (Annexure P-2), and quashing of proclaimed offender order dated 20.05.2022 (Annexure P-1), as well as all consequential proceedings arising therefrom.

Main issue against the petitioner i.e. filing of criminal complaint by respondent No.2 against the petitioner under Section 138 of the Negotiable Instruments Act, 1881 (for brevity, 'NI Act'), has already been settled amicably before the National Lok Adalat, Rajpura. In fact, after the settlement between the private parties, complaint under Section 138 of NI Act, has already been withdrawn by respondent No.2 and said fact is also reflecting in the order dated 13.08.2022 (Annexure P-3), passed by the Presiding Officer/National Lok Adalat, Rajpura.

Learned counsel for the petitioner submits that declaration of the petitioner as proclaimed offender, and thereafter, registration of FIR under

Section 174-A of IPC, would not be considered material proceeding, once main offence from which such proceedings emerged, has already been compromised between the private parties. In support of her contention, learned counsel relies upon judgment of the co-ordinate Bench of this Court rendered in **CRM-M-47657-2022**, titled as, “**Randhir Singh Tyagi vs. State of Haryana and another**”, decided on **17.10.2022**.

Notice of motion.

On asking of the Court, Mr. JS Arora, DAG, Punjab, who is present in Court, accepts notice on behalf of respondent No.1 – State. Copy of the paper book has already been supplied to him.

At this stage, Mr. Kulwinder Singh, Advocate, has put in appearance on behalf of respondent No.2 and filed his vakalatnama in Court, which is taken on record, subject to all just exceptions.

Learned counsel for respondent No.2 confirms the stand of learned counsel for the petitioner in regard to the factum of compromise having been arrived at between the private parties and withdrawal of complaint under Section 138 of NI Act.

On the other hand, in view of the settled proposition of law, wherein, several other similar matters have already been decided by this Court, learned State counsel has no serious and authentic submissions before this Court to oppose the prayer made in present petition.

Under these circumstances, once the proceedings under Section 138 of NI Act stands withdrawn on the basis of compromise, continuation of the instant FIR under Section 174-A of IPC is nothing but an abuse of process of law. In this regard reliance can be placed upon judgment rendered by this Court in the case of ***Microqual Techno Limited and others v. State***

of Haryana and another-2015(32) RCR (Criminal) 790, which has also been followed in *CRM-M-47891-2021*, titled as, “*Jitender Singh v. State of Haryana and another*”, decided on *16.11.2021*, and the order dated *05.09.2022*, passed by this Court in *CRM-M-34291-2022*, titled as, “*Pankaj Sharma Vs. State of Haryana and another*”.

Accordingly, instant petition is allowed. Order dated 20.05.2022 declaring the petitioner as proclaimed offender, and all consequential proceedings arising therefrom including FIR No.185, dated 03.08.2022, under Section 174-A of IPC, registered at Police Station City Rajpura, District Patiala, stand quashed *qua* the petitioner.

(SANJAY VASHISTH)
JUDGE

October 28, 2022

J.Ram

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