

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

**CRM-M No.52883 of 2021(O&M)
Date of Decision:- 30.05.2022**

Smt. Sumandeep Kaur

....Petitioner

Vs.

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Deepanshu Matya, Advocate
for the petitioners.

Mr. Naveen K. Sheoran, DAG, Haryana.

Mr. Tushar Gautam, Advocate for respondent No.2.

KARAMJIT SINGH, J.(Oral)

CRM No.19285 of 2022

Vide order dated 23.03.2022, this Court has directed to implead 'Punjab Mahaluxmi Associates' as respondent No.2 in the present petition.

Amended memo of parties is ordered to be taken on record.

The application stand disposed of accordingly.

CRM-19286 of 2022

The present application for preponment of the main case in which date fixed is 17.08.2022.

Notice of motion.

On asking of the Court, Mr. Naveen K. Sheoran, Advocate accepts notice on behalf of State of Haryana, whereas, Mr. Tushar Gautam, Advocate has put in appearance on behalf of respondent No.2. They are having no objection if the main case is preponed. Accordingly, the present application is allowed and the main case is preponed for today and accordingly, is ordered to be taken on board.

CRM-M No.52883-2021

The present petition has been filed by the petitioner for quashing of FIR No.0214 dated 15.02.2020 registered under Section 174-A IPC at Police Station Ambala, District Ambala, as the compromise has been effected between the parties in the criminal complaint relating to dishonour to cheque.

The counsel for the petitioner submitted that respondent No.2 i.e. Punjab Mahaluxmi Associates filed a criminal complaint against the petitioner under Section 138 of Negotiable Instruments Act on account of dishonour of cheque bearing No.034150 dated 11.09.2016 amounting to Rs.28,846/-. It is further submitted that in the said proceedings under Section 138 of NI Act the petitioner was

declared proclaimed person vide order dated 18.01.2018 and consequently FIR under Section 174-A IPC was registered against the petitioner. The counsel further submitted that in the meantime compromise was effected between the petitioner and respondent No.2 and finally the aforesaid criminal complaint under Section 138 of NI Act was dismissed as withdrawn vide order dated 14.09.2019 by the Court of National Lok Adalat-cum-JMIC Ambala. The counsel further submitted that once the proceedings under Section 138 NI Act have been withdrawn then continuation of proceedings in the impugned FIR under Section 174-A IPC would be an abuse of the process of Court.

Counsel for the State on the other hand has opposed the present petition and submitted that no ground is made out to quash the impugned FIR.

Mr. Tushar Gautam, Advocate has put in appearance on on behalf of respondent No.2-complainant and filed Power of attorney, which is ordered to be taken on record. The counsel for respondent No.2-Complainant 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 arising out 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 14.9.2019 (Annexure P-7).

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 FIR No.0214 dated 15.02.2020 registered under Section 174-A IPC at Police Station Ambala, District Ambala and all other subsequent proceedings arising thereof are hereby quashed qua the petitioner.

30.05.2022

P. Chawla

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No