

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

**CRM-M-50103-2022
Date of decision : 11.11.2022**

Yatin Kumar

....Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Deepinder Brar, Advocate
for the petitioner.

Mr. S.S. Cheema, DAG, Punjab
for respondent No.1-State.

PANKAJ JAIN, J. (ORAL)

By way of present petition filed under Section 482 Cr.P.C. , the petitioner is seeking quashing of FIR No.130 dated 13th of April, 2022 registered for the offence punishable under Section 174-A of the Indian Penal Code, 1860 (for short, 'the IPC') at Police Station Division-A, District Amritsar (Annexure P-3) and all proceedings subsequent thereto.

Ld. Counsel for the petitioner refers to the order dated 13th of August, 2022 part of Annexure P-4 whereby Trial Court recorded that the proceedings under Section 138 of the Negotiable Instruments Act, 1881 (for short, 'the N.I. Act') stand settled and consequent thereto the complaint was ordered to be dismissed as withdrawn. He, thus, submits that keeping in

view the aforesaid fact, the present proceedings under Sections 174-A of the IPC owing to his lapse in the light of proceedings under Section 138 of the N.I. Act which stands settled, cannot be allowed to proceed and the same would amount to an abuse of process of law.

Mr. Gagandeep Toni, Advocate appears and admits the fact of the proceedings under Section 138 of the N.I. Act having been settled between the parties. Power of Attorney filed by him today, is taken on record.

Ld. State Counsel also does not dispute that the proceedings under Section 138 of the N.I. Act stand settled.

The question w.r.t. the continuation of proceedings under Section 174-A IPC after settlement of the main proceedings under Section 138 of the N.I. Act wherein the accused have been declared as a Proclaimed Person is no more *res integra* and has been answered by a Co-ordinate Bench of this Court in **CRM-M-43813-2018** titled as “**Baldev Chand Bansal Vs. State of Haryana and another**” vide order dated 29th of Janaury, 2019, which held as under:

“Prayer in this petition is for quashing of FIR No.64 dated 15.02.2017 filed under Section 174-A of the Indian Penal Code registered at Police Station Sector-5, Panchkula and all other subsequent proceedings arising thereof as well as order dated 24.10.2016 passed by the trial Court vide which a direction was issued to register the aforesaid FIR.”

xx xxx xxxx

Learned counsel for the petitioner has relied upon the

decisions rendered by this Court in “Vikas Sharma vs. Gurpreet Singh Kohli and another (supra), 2017, (3) L.A.R.584, Microqual Techno Limited and others Vs. State of Haryana and another, 2015 (32) RCR (Crl.) 790 and “Rajneesh Khanna Vs. State of Haryana and another” 2017 (3) L.A.R. 555 wherein in an identical circumstance, this Court has held that since the main petition filed under Section 138 of the Act stands withdrawn in view of an amicable settlement between the parties, therefore, continuation of proceedings under Section 174A of IPC shall be nothing but an abuse of the process of law.

xx xxx xxxx

In view of the same, I find merit in the present petition and accordingly, present petition is allowed and the impugned order dated 24.10.2016 passed by Judicial Magistrate, 1st Class, Panchkula as well as FIR No.64 dated 15.02.2017 registered under Section 174-A of the Indian Penal Code at Police Station Sector-5, Panchkula and all other subsequent proceedings arising thereof, are hereby quashed."

Same is the view of another Co-ordinate Bench in the “**Ashok Madaan vs. State of Haryana and another**” reported as 2020 (4) RCR (Criminal) 87, wherein it has been held that:

“No doubt, the learned counsel for the respondent has vehemently argued that the offence under Section 174-A I.P.C. is independent of the main case, therefore, merely because the main case has been dismissed for want of prosecution, the present petition cannot be allowed, however, keeping in view the fact that the present FIR was registered only on account of absence from the proceedings in the main case which had been subsequently regularised by the court while granting bail to the

petitioner, the default stood condoned. In such circumstances, continuation of proceedings under Section 174A I.P.C. shall be abuse of the process of court.

7. Accordingly, the petition is allowed. FIR No. 446 dated 21.08.2017, registered under Section 174A I.P.C. at Police Station Kotwali, District Faridabad, as well as consequential proceedings shall stand quashed.”

Keeping in view the facts and circumstances of the present case and in view of the principles settled by this Court, the present petition is allowed. FIR No.130 dated 13th of April, 2022 registered for the offence punishable under Section 174-A of the IPC at Police Station Division-A, District Amritsar (Annexure P-3) and all proceedings subsequent thereto, are hereby quashed *qua* the present petitioner.

November 11, 2022
Dpr

(PANKAJ JAIN)
JUDGE

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