

CRM-M-54832-2022

Date of decision: 08.12.2022

Tejinder Singh @ Tejvinder Singh

.....Petitioner

versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR**Present:** Mr. Deepinder Brar, Advocate
for the petitioner.

Mr. Anup Singh, AAG, Punjab.

NAMIT KUMAR, J. (ORAL)

This petition has been filed under Section 482 Cr.P.C. seeking quashing of impugned order dated 13.06.2022 (Annexure P-2) to the extent of issuing directions to SHO, Police Station City-1, Abohar for taking action under Section 174-A of IPC passed by the learned JMIC, Abohar in complaint case bearing NACT No.280 of 2018 dated 12.02.2018.

Learned counsel for the petitioner submits that service could not be effected upon the petitioner and for that reason, proclamation was issued against the petitioner which was executed on 10.05.2022. Thereafter, the learned JMIC, Abohar, vide order dated 13.06.2022 (Annexure P-2) declared the petitioner proclaimed person and directions were issued to SHO, Police Station City-1, Abohar to take action under Section 174-A IPC.

He further submits that the main dispute which was under Section 138 of the Negotiable Instruments Act, out of which, proceedings under Section 174-A of IPC have been emerged, had already been settled and the complaint has been withdrawn vide order dated

13.08.2022 (Annexure P-4) passed by the Presiding Officer, National Lok Adalat, Abohar, as the matter had been compromised between the parties.

He submits that once the original proceedings have come to an end on account of compromise between the parties, therefore, the present proceedings under Section 174-A of IPC arising out of the original proceedings should also come to an end. To support his contention he relies upon the judgment of this Court passed in 'Aditya Goyal vs. State of Haryana' CRM-M-11269-2019 decided on 07.05.2019.

In the above said judgment, this Court has quashed the proceedings under Section 174-A of IPC where the main proceedings have already been concluded. The relevant portion from *Aditya Goyal's case (Supra)* is as under:-

“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 174-A of IPC shall be nothing but an abuse of the process of law.

Learned State counsel, on instructions from the Investigating Officer, has not disputed the factual position.

After hearing learned counsel for the parties, I find merit in the present petition.

Since the main complaint filed by the complainant under Section 138 of the N.I. Act itself stands dismissed as withdrawn by the trial Court keeping in view the fact that petitioner has cleared the entire dues and on the direction of this Court, the petitioner has already appeared before the Investigating Officer and has also deposited the cost of `10,000/- with the Illaqa Magistrate, this Court is of the opinion that continuation of proceedings under Section 174-A IPC shall be an abuse of process of law.

Accordingly, in view of the facts and circumstance of the case and also in view of the judgments relied upon by the petitioner, this petition is allowed and order dated 03.12.2018 (Annexure P-1), passed by the trial Court in Criminal Complaint No. 1624/2017 dated 12.09.2017, filed under Section 138 of the N. I. Act, vide which, the petitioner has been declared a proclaimed person as well as other consequential proceedings arising therefrom including FIR No. 66 dated 01.02.2019, registered under Section 174-A IPC at Police Station Jagadhri City, District Yamuna Nagar (Annexure P-2) are hereby

quashed.”

To the same effect, another judgment passed in 'Lakhwinder Singh versus State of Punjab' CRM-M-37155-2021 decided on 16.11.2021 also supports the present case.

Learned State counsel has not disputed the fact that the matter has been compromised and the complaint has been withdrawn.

A perusal of order dated 13.08.2022 passed by the Presiding Officer, National Lok Adalat, Abohar, makes it clear that the matter has been settled between the parties. Consequently, no fruitful purpose would be served in continuing the proceedings under Section 174-A of IPC.

Consequently, the present petition is allowed and the impugned order dated 13.06.2022 (Annexure P-2) to the extent of issuing directions to SHO, Police Station City-1, Abohar for taking action under Section 174-A of IPC passed by the learned JMIC, Abohar in complaint case bearing NACT No.280 of 2018 dated 12.02.2018 and all subsequent proceedings arising therefrom, are hereby quashed, on the basis of compromise, *qua* the petitioner only.

08.12.2022
Neha

(NAMIT KUMAR)
JUDGE

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