

**CRM-M-44-2022**

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

**CRM-M-44-2022 (O & M)**

**Date of decision:14.11.2022**

Rakesh Chouhan

...Petitioner

Versus

State of Punjab and another

.....Respondents

**CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

Present:- Mr. Pradeep Singh, Advocate for  
Mr. Mohd. Yousaf, Advocate,  
for the petitioner.

Mr. Harkanwar Jeet Singh, AAG, Punjab.

**HARNARESH SINGH GILL, J. (ORAL)**

Through this petition, the petitioner seeks quashing of FIR No.71 dated 04.05.2019, registered at Police Station Division No.6, Jalandhar, District Jalandhar, under Section 174-A IPC, and all the subsequent proceedings arising therefrom.

Learned counsel for the petitioner submits that respondent No.2 filed a complaint under Section 138 N.I.Act, against the petitioner qua the dishonour of three cheques, amounting to Rs.20,000/- each; that during pendency of the said complaint, the petitioner could not appear before the trial Court, following which he was declared a proclaimed person on 21.01.2019; that however vide order dated 11.12.2021 passed by the Presiding Officer, National Lok Adalat, Jalandhar, the matter having been compromised between the parties, the complaint out of which the present proceedings have arisen, stands dismissed as withdrawn. The order would read as under:

CRM-M-44-2022

*“File taken up today in the National Lok Adalat. Original file received. Accordingly, the criminal miscellaneous application for putting up the file stands disposed of and be tagged with the main file, which is ordered to be restored at its original number.*

*Perusal of the file reveals that earlier accused was declared as proclaimed person/absconder vide order dated 16.12.2016 passed by learned predecessor of this Court. However, today complainant has suffered his statement that he does not want to proceed with the present complaint and the same may be dismissed as withdrawn.*

*Heard. I have perused the file.*

*As the offence under Section 138 of Negotiable Instruments Act, 1881, is compoundable under Section 147 of the said Act, therefore, complainant/counsel is allowed to withdraw the present complaint. Accordingly, present complaint stands dismissed as withdrawn. Accused stands discharged from the case. The order dated 16.12.2016 of declaring the accused as absconder is recalled for the purpose of this case only. Intimation be sent to the concerned police station. File be consigned to the record-room.”*

On the strength of the aforesaid development, it is contended by the learned counsel that when the very dispute contained in the complaint stands settled, there would be no justification in continuing with the present proceedings, which admittedly and indisputably have arisen out of the said complaint itself. In support of his contention, he relies upon the order passed by a Coordinate Bench of this Court in CRM-M-25954-2019, titled as 'Dinesh Gupta and Ors. Vs. State of Haryana and another', decided on 06.02.2020.

**CRM-M-44-2022**

Learned State counsel does not dispute the factum of the settlement of the dispute between the parties before the Lok Adalat.

Having heard learned counsel for the parties and taking into consideration the factum of settlement of the dispute between the parties and the complaint having been dismissed as withdrawn, this Court finds no justification in continuing with the proceedings arising out of FIR No.71 dated 04.05.2019, which was registered against the petitioner having been declared a proclaimed person.

In view of the above, FIR No.71 dated 04.05.2019, registered at Police Station Division No.6, Jalandhar, District Jalandhar, under Section 174-A IPC, and all the subsequent proceedings arising therefrom are hereby quashed qua the petitioner, subject to him depositing the costs of Rs.20,000/- with the District Legal Services Authority, Jalandhar.

Allowed in the aforementioned terms.

**14.11.2022**

parveen kumar

**(HARNARESH SINGH GILL)  
JUDGE**

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No