

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

CRM-M-52982-2022 (O&M)

Date of decision: 16.11.2022

Hanuk**...Petitioner****Versus****Janak Raj and another****...Respondents****CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. Dinesh Mahajan, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for quashing of order dated 19.12.2019, passed by the trial Court declaring the petitioner a proclaimed person in criminal case No. CRM-204-2017 dated 02.01.2016, titled as ***Janak Raj vs. Hanuk***, filed under Section 138 of the N. I. Act as well as for quashing of FIR No. 30 dated 23.03.2022, registered under Section 174-A IPC at Police Station Division No. 1, Pathankot.

Notice of motion.

Mr. Rimple Saini, Advocate and Mr. Navneet Singh, DAG, Punjab, who are present in Court, accept notice on behalf of respondent No. 1 and respondent No. 2-State, respectively.

Learned counsel for the petitioner submits that respondent No. 1 Janak Raj has filed a complaint under Section 138 of the N. I. Act on account of dishonouring of two cheques of Rs. 6,10,000/- and Rs. 7,10,000/- against the liability of Rs. 7,10,000/-, in which the petitioner has been convicted and sentenced to undergo rigorous imprisonment for a period of two years and to pay a fine of Rs. 2,000/-, vide judgment of

conviction dated 17.12.2014 and order of sentence of the even date. It is further submitted that during the pendency of the appeal before the lower appellate Court, the matter was referred to National Lok Adalat, where on 14.02.2015, the matter was mutually settled between the parties and their statements were recorded in this regard.

Learned counsel for the petitioner further submits that as per settlement (Annexure P-7), it was agreed that the petitioner will pay back the total amount of Rs. 4,00,000/- within a period of four months. Thereafter, as the petitioner did not make the payment, the complainant again moved an application before the lower appellate Court, in which the petitioner was summoned and after the petitioner made the entire payment, the said complaint/application was withdrawn.

Learned counsel for the petitioner further submits that in view of the said compromise between the parties, the impugned order dated 19.12.2019, declaring the petitioner a proclaimed person and subsequent registration of FIR under Section 174-A IPC are nothing but the misuse of the process of law as the things were beyond the control of the petitioner, due to which he could not make the payment in terms of the compromise.

Learned counsel for respondent No. 1/complainant admits to the factum of compromise.

On a Court query, learned counsel for respondent No. 1 does not dispute that the entire amount has been paid to respondent No. 1/complainant in terms of the compromise and he has withdrawn the complaint.

After hearing learned counsel for the parties and going through the orders passed by the trial Court, vide which the complaint was

withdrawn, this Court is of the considered opinion that further prosecution of the petitioner in pursuance of impugned order dated 19.12.2019 and under the FIR in question registered under Section 174-A IPC is nothing but the misuse of the process of law as no purpose will be served with the same as the parties have already settled the dispute and the entire amount stands paid to respondent No. 1/complainant.

Accordingly, the present petition is allowed and the impugned order 19.12.2019, declaring the petitioner a proclaimed person as well as FIR No. 30 dated 23.03.2022, registered under Section 174-A IPC at Police Station Division No. 1, Pathankot are quashed along with all the subsequent proceedings.

16.11.2022

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No