

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

**CRM-M No.57359 of 2022 (O&M)
Decided on: 08.12.2022**

Amarjeet

....Petitioner

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Satbir Singh Gill, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner has prayed for quashing of FIR No.872 dated 06.10.2022, registered under Section 174-A of the Indian Penal Code (in short 'IPC') at Police Station Sirsa City, District Sirsa (Annexure P1), and all other subsequent proceedings arising therefrom and set-aside the order dated 14.09.2022, passed by the trial Court in Complaint CIS No.NACT-425-2020 dated 17.03.2020, whereby the petitioner has been declared as proclaimed person as the main complaint has already been dismissed as withdrawn vide order dated 26.11.2022, pursuant to mutual settlement between the parties.

Counsel for the petitioner has argued that the matter has already been settled before the National Lok Adalat and the complaint was withdrawn by the complainant as per the statement dated 14.11.2022 (Annexure P-4) and the order dated 26.11.2022 (Annexure P-5). It is also submitted that the impugned order was passed during the pendency of the said petition on account of non-appearance of the

petitioner, who was never served and thereafter, even FIR No.872 dated 06.10.2022, registered under Section 174-A IPC at Police Station Sirsa City, District Sirsa (Annexure P-1) was registered.

Counsel for the State has not disputed the fact that the parties have arrived at a settlement with an intent to give burial to their differences.

I have heard counsel for the parties and perused the case file.

The FIR under Section 174-A IPC was registered during the pendency of the complaint filed under Section 138 of the Negotiable Instruments Act as the petitioner was declared a proclaimed person.

Since the matter has been amicably settled in the National Lok Adalat and the complaint under Section 138 of the Negotiable Instruments Act stands withdrawn, no purpose will be served in prosecuting the petitioner in the impugned FIR registered under Section 174-A IPC.

It is held by this Court in **CRM-M No.44813 of 2022** titled as “*Narayan Dass vs State of Haryana and another*”, decided on 27.09.2022, that once the main case is dismissed as withdrawn, the proceedings under Section 174-A IPC will be an abuse of process of law.

Keeping in view the abovesaid facts and circumstances as well as the law laid down in *Narayan Dass’s case (supra)*, the present petition is allowed and the FIR No.872 dated 06.10.2022, registered under Section 174-A IPC at Police Station Sirsa City, District Sirsa

In this case, notice has not been issued to respondent No.2 as the issuance of notice to respondent No.2 would only further delay the matter and respondent No.2 would also have to entail expenses in defending the present petition more so, when respondent No.2 has already compromised the matter and has withdrawn the complaint under Section 138 of the Negotiable Instruments Act, as is apparent from the order dated 26.11.2022. It would be open for respondent No.2 to move an application in the present case, in case, the averments made in the present petition are false.

yakub

Yes/No