

CRM-M-56596-2022

Reserved on: 21.12.2022

Pronounced on: 23.12.2022

Harbans Singh

.....Petitioner

versus

State of Haryana and another

.....Respondents

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

Mr. Vikrant Pamboo, DAG, Haryana.

NAMIT KUMAR, J.

This petition has been filed under Section 482 Cr.P.C. seeking quashing of impugned order dated 26.08.2022 (Annexure P-8) vide which learned JMIC, Sirsa has declared the petitioner as a proclaimed person in complaint case bearing NACT No.441/2019 under Section 138 of the Negotiable Instruments Act, 1881 and for quashing of FIR No.285 dated 08.09.2022 under Section 174-A of IPC (Annexure P-9) registered at Police Station Nathusarai Chopta, District Sirsa, Haryana, against the petitioner and all subsequent proceedings arising out of the same as now the dispute has been settled by the parties and the complaint (Annexure P-1) filed by respondent No.2 has already been dismissed as withdrawn vide order dated 26.11.2022 (Annexure P-11).

Learned counsel for the petitioner submits that the petitioner was not aware about the complaint pending against him and neither service could be effected upon him nor any warrants were served upon and for that reason, proceedings under Section 174-A IPC were initiated and FIR No.285 dated 08.09.2022 was registered.

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Instruments Act, out of which, proceedings under Section 174-A of IPC have been emerged, had already been dismissed as withdrawn vide order dated 26.11.2022 (Annexure P-11) passed by the learned JMIC/Presiding Officer, National Lok Adalat, Sirsa, as the matter had been compromised between the parties.

He submits that once the original proceedings have come to an

end with the 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 Rs.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.

Mr. Sanjeev K. Sharma, Advocate puts in appearance on

behalf of respondent No.2 and filed *vakalatnama* in the Court today which is taken on record. He submits that he has no objection to the contentions raised by learned counsel for the petitioner.

A perusal of order dated 26.11.2022 passed by the learned JMIC/Presiding Officer, National Lok Adalat, Sirsa, makes it clear that the matter has been settled between the parties and the complaint has been withdrawn. 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 26.08.2022 (Annexure P-8) vide which learned JMIC, Sirsa has declared the petitioner as a proclaimed person in complaint case bearing NACT No.441/2019 under Section 138 of the Negotiable Instruments Act, 1881 and FIR No.285 dated 08.09.2022 under Section 174-A of IPC (Annexure P-9) registered at Police Station Nathusarai Chopta, District Sirsa, Haryana and all subsequent proceedings arising therefrom, are hereby quashed, on the basis of compromise, *qua* the petitioner only.

23.12.2022
Neha

(NAMIT KUMAR)
JUDGE

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