

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

**CRM-M-59071-2022
Date of decision: 19.12.2022**

Mukesh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Mohit Sharma, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for quashing the FIR No. 0122 dated 23.03.2020, registered under Section 174-A IPC at Police Station Civil Lines, Hisar along with all the subsequent proceedings arising therefrom, including order dated 22.01.2020, vide which the petitioner was declared a proclaimed person in the proceedings of a complaint filed under Section 138 of the Negotiable Instruments Act, 1881 (*for short 'N. I. Act'*).

Brief facts of the case are that a complaint under Section 138 of the N. I. Act was filed by complainant-State Bank of India, however, in the said proceedings, the petitioner was never served and thereafter, vide impugned order dated 22.01.2020, the petitioner was declared a proclaimed person and a direction was issued for registration of an FIR under Section 174-A IPC against the petitioner.

Learned counsel for the petitioner further submits that thereafter, the petitioner, on coming to know about the pendency of the aforesaid proceedings, surrendered before the trial Court and he was granted

the concession of regular bail, vide order dated 20.05.2020, passed by the trial Court and thereafter, he was regularly appearing before the trial Court.

Learned counsel further submits that later on, a settlement took place between the petitioner and complainant-Bank and in terms of the same, the complaint, filed by the complainant-Bank, under Section 138 of the N. I. Act, was dismissed as withdrawn on 19.01.2021. The order reads as under:

“Today learned counsel for the complainant has made a separate statement that he has compromised the matter with the accused, therefore, he wants to withdraw the same. Heard. In view of the statement made by learned counsel for the complainant, the present complaint is hereby dismissed as withdrawn. File be consigned to record room after due compliance.”

Learned counsel for the petitioner further submits that the main complaint itself stands withdrawn, however, the petitioner is still facing trial under the FIR in question, which is nothing but the misuse of process of law.

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 N.I. 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.

Notice of motion.

Mr. Himmat Singh, DAG, Haryana, who is present in Court, accepts notice on behalf of the respondent-State and does not dispute the factual position.

After hearing learned counsel for the parties and in view of the judgment passed in **Vikash Sharma (supra)** case, considering the fact that the complaint filed under Section 138 of the N. I. Act was dismissed as withdrawn as the matter was amicably settled between the parties, this Court is of the opinion that continuation of proceedings under Section 174-A IPC shall be an abuse of process of law.

Accordingly, this petition is allowed and FIR No. 0122 dated 23.03.2020, registered under Section 174-A IPC at Police Station Civil Lines, Hisar along with all the subsequent proceedings arising therefrom, including order dated 22.01.2020, vide which the petitioner was declared a proclaimed person, is hereby quashed.

19.12.2022

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No