

**268 IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH**

**CRM-M-54477-2019**

**Date of Decision: 24<sup>th</sup> May, 2022**

Falgun Shah

Petitioner

Versus

State of Haryana

Respondent

**CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN**

Present: Mr. Balraj Gujjar, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

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**AVNEESH JHINGAN, J (Oral):**

1. This petition under Section 482 of Code of Criminal Procedure is filed seeking quashing of FIR No. 504, dated 23.8.2016, under Sections 174-A IPC, registered at Police Station Palam Vihar, Gurgaon and order dated 8.4.2016 whereby the petitioner was declared as proclaimed offender in a complaint case No. 3122/2015 filed under Section 138 of Negotiable Instruments Act (NI Act) and all subsequent proceeding arising therefrom.

2. Notice of motion was issued on 20.12.2019.

3. Learned counsel for the petitioner submits that the matter was settled between the parties and the petitioner was granted anticipatory bail by the Sessions Court on 20.10.2016. Contention is that main complaint has been withdrawn on 28.7.2017. He relies upon the decisions rendered by this Court in **Vikas Sharma vs. Gurpreet Singh Kohli and another, 2017, (3) L.A.R. 584, Microqual Techno Limited and others Vs. State of**

**Haryana and another, 2015 (32) RCR (CrI.) 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an identical circumstance, this Court has held that since the main petition filed under Section 138 of the Act stands withdrawn in view of an amicable settlement between the parties, therefore, continuation of proceedings under Section 174-A of IPC shall be nothing but an abuse of the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.

4. Learned State counsel is not disputing the contentions raised by learned counsel for the petitioner.

5. Heard learned counsel for the parties and perused the pleadings.

6. There is no dispute that complaint was withdrawn and the petitioner was granted anticipatory bail. Continuation of proceedings under Section 174-A IPC would be an abuse of process of law.

7. Considering the facts and circumstances of the case in totality and the judgments relied upon by the petitioner, FIR mentioned above and all subsequent proceedings arising therefrom are quashed.

8. The petition is allowed.

**[AVNEESH JHINGAN]**  
**JUDGE**

**24<sup>th</sup> May, 2022**  
anuradha

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|-------------------------------|---|----------|
| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable         | : | Yes / No |