

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

204

CRM-M-1509-2020

Date of Decision: 12.01.2023

Mukesh Kumar

.... Petitioner

Versus

State of Haryana and others

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. V.B. Aggarwal, Advocate for the petitioner.

Mr. Gaurav Bansal, Assistant Advocate General, Haryana
for respondent No. 1-State.

ASHOK KUMAR VERMA, J. (ORAL)

Petitioner has filed the present petition under Section 482 Cr.P.C. for quashing FIR No. 300 dated 27.08.2019 (Annexure P-1) registered under Section 174-A IPC at Police Station Madhuban, District Karnal and further proceedings thereon pending in the Court of Judicial Magistrate Ist Class, Karnal.

The aforesaid FIR has cropped up from the proceedings initiated by respondent-complainant by filing a complaint under Section 138 of the Negotiable Instruments Act, 1881 (for short-'the Act'), wherein on account of non-appearance of the petitioner, he was declared as proclaimed offender in the case.

Learned counsel for the petitioner, *inter alia*, contends that though in criminal complaint titled as 'Shree Jee Jee Grain Products (P)

Ltd. Vs. M/s Garg Traders and another', filed under Section 138 of the Act, the petitioner was declared as proclaimed offender, but lateron he had put in appearance before the trial Court and ultimately, vide order dated 31.08.2019 (Annexure P-3), the above said complaint was dismissed as withdrawn. He further submits that once the main complaint out of which proceedings under Section 174-A IPC have arisen, had already been dismissed as withdrawn, then continuation of proceedings in the impugned FIR No. 300 dated 27.08.2019 under Section 174-A IPC would be an abuse of the process of Court.

Counsel for the State on the other hand has opposed the present petition and submitted that no ground is made out of quash the impugned FIR.

I have heard learned counsel for the parties.

No doubt, the impugned FIR was registered on the basis of non-appearance of the petitioner before the trial Court due to which he was declared as proclaimed offender in a complaint filed by the complainant-respondent under Section 138 of the Act. However, the said complaint had already attained finality as the parties entered into a compromise and the main complaint was dismissed as withdrawn vide order dated 31.08.2019 (Annexure P-3).

Since, the main complaint filed under Section 138 of the Act stands withdrawn the matter being compromised between the parties, therefore, continuation of the proceedings under Section 174A IPC would be nothing but an abuse of the process of law.

In view of the above, I find merit in the present petition and accordingly, the present petition is allowed and the impugned FIR No. FIR No. 300 dated 27.08.2019 (Annexure P-1), registered under Section 174-A IPC at Police Station Madhuban, District Karnal and all other subsequent proceedings arising therefrom are hereby quashed qua the petitioner.

Disposed of, accordingly.

January 12, 2023
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No