

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

CRM-M-4036-2023

Date of decision: 25.01.2023

Manvinder SinghPetitioner

versus

State of Punjab and anotherRespondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Ms. Rajvinder Kaur Sohal, Advocate
for the petitioner.

NAMIT KUMAR, J. (ORAL)

The challenge in the present petition is to the order dated 22.08.2022 (Annexure P-3) passed by the learned JMIC, Rupnagar, whereby, the petitioner has been declared as a proclaimed person with further direction to the SHO to register an FIR against the petitioner and seeking quashing of FIR No.058 dated 24.11.2022 under Section 174-A of IPC registered at Police Station Sadar Morinda, District Rupnagar (Annexure P-4).

Learned counsel for the petitioner submits that the matter has been compromised between the parties vide compromise deed dated 29.11.2022 (Annexure P-8) and even an application dated 11.01.2023 (Annexure P-9) for withdrawal of the case filed by the complainant-Kamaljeet has been moved and on his application, statement of complainant has been rendered to this effect by the trial Court on 11.01.2023, however, the case has been adjourned for 11.02.2023 and to be put up before the Lok Adalat. He further submits that no proper service has been effected upon the petitioner under Section 82 Cr.P.C.

He also submits that once the original proceedings have come to an end with the compromise between the parties, on the basis of

statement made by the complainant before the trial Court duly mentioned in order dated 12.01.2023, 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 `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.

Notice of motion.

Mr. Adhiraj Singh, AAG, Punjab puts in appearance and accepts notice on behalf of respondent No.1-State.

Mr. Vicky Sharma, Advocate puts in appearance and accepts notice on behalf of respondent No.2 and filed *vakalatnama* in the Court today and the same is taken on record.

Learned counsel for the petitioner and respondent No.2 in no unequivocal terms submit that matter has been compromised between the parties and statement for withdrawal of complaint has been made before the trial Court.

Learned State counsel has also not disputed the fact that the matter has been compromised as per record.

A perusal of order dated 16.01.2023 passed by the learned Additional Sessions Judge, Rupnagar, makes it clear that the matter has been settled between the parties and the complaint has been withdrawn by the complainant. 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 22.08.2022 (Annexure P-3) passed by the learned JMIC, Rupnagar and FIR No.058 dated 24.11.2022 under Section 174-A of IPC registered at Police Station Sadar Morinda, District Rupnagar (Annexure P-4) and all subsequent proceedings arising therefrom, are hereby quashed, on the basis of compromise, *qua* the petitioner only subject to payment of Rs.8,000/- as costs to be deposited with the Punjab and

Haryana High Court Lawyers' Welfare Fund within a period of one month from the date of passing of this order.

25.01.2023
Neha

(NAMIT KUMAR)
JUDGE

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